State-Fed Showdown over CA Marijuana Laws

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Assessing the "New Era" with Mexico

California relations with Mexico are not the top priority they once were

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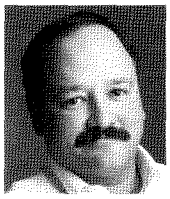
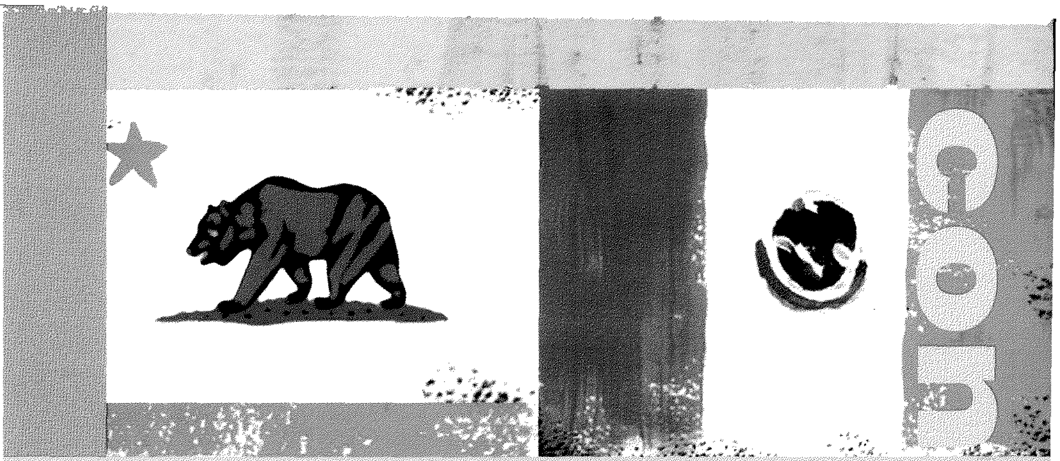
from the editor

Those days are gone

Back in 1999, nothing illustrated the arrival of a new governor more than the high-profile trip in February to Mexico City and the subsequent first-ever visit by a Mexican president to Sacramento. I covered those events for the *Los Angeles Times,* and I remember that the campaign-style appearances felt like a victory lap for incoming Governor Gray Davis, who was fresh from a landslide election and anxious to show voters what it would mean to have a new guy in charge. Davis courting Mexico was a sharp contrast with outgoing Governor Pete Wilson, whose public image in Mexico plummeted after he backed Proposition 187, the successful 1994 measure to ban public benefits for illegal immigrants. Four years later, observers say Davis has not maintained the same high-level attention toward Mexico. Critics say that's because it no longer serves the same political purpose it did for the governor. But it also reflects the dramatic difference between the promising, unlimited outlook of the newly elected Davis administration and the frightening crises it's facing today. Davis has faced an energy crisis, a narrow re-election, a budget crisis and now a credible recall attempt. Symbolic relations, however important, are a lower priority.

David Lesher





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When Governor Gray Davis was elected in 1998, relations between California and Mexico were at a standstill, and he planned to change that. Over four years later, there is still work to do.
By Sandra Dibble

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Governor Gray Davis hired Michael Flores to improve relations with Mexico and to reflect California's role in a global marketplace. Flores has come a long way from his days in a working-class Sacramento neighborhood.
By Laura-Lynne Powell

20 Just whose problems are they?

California and the feds are at odds over who should pay the cost to jail illegal immigrants who commit crimes while in the United States.
By Dana Wilkie

26 Grinding to a halt

Budget watchers thought the governor's "May Revise" could serve as a way out of the budget morass. No one is saying that anymore.
By David Lesher

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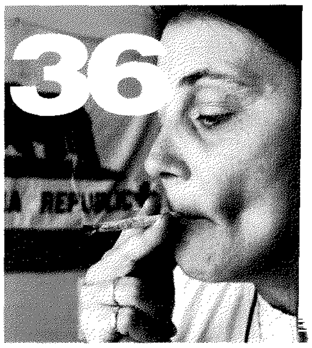
One of the biggest issues in Sacramento this year is the broken workers' compensation system. Legislators from both parties are vowing to fix the problem. What went wrong?
By Stephen Robitaille

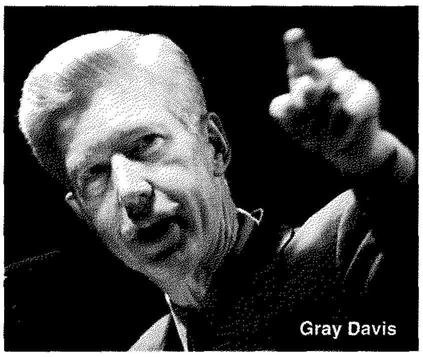


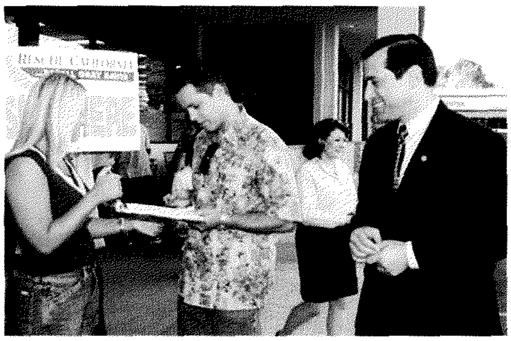
36 The battle over medical marijuana

Californians voted to make marijuana use legal for medical purposes in 1996, but the Bush administration has other ideas — it's aggressively enforcing federal law by going after cannabis clubs.
By Rich Ehisen

Cover: On his first visit to California, Mexican President Vincente Fox meets with Gray Davis at the state Capitol. Photo: Susan Ragan, Reuters, 3/22/2001 umbrage

Recalling better days


Gray Davis


Darrell Issa helps gather recall signatures in Huntington Beach 6/14/2003

When Washington's tabloid talk shows took up the issue of a recall attempt against Governor Gray Davis, the humiliating descriptions of California's political atmosphere included phrases like "this circus" (Morton Kondracke, Fox News Channel) and a "banana republic" (William Kristol, Fox News Sunday). Political watchers also worried that the state's anarchy might be another California export to America, reminding unhappy voters elsewhere they too can remove unwanted leaders. Meanwhile, Sacramento insiders stopped wondering *if* the recall will qualify and instead started wondering *when*. Deadline for submitting nearly 900,000 signatures is September 2. Proponents of the recall want to finish by July in hopes of getting a special recall election this fall when low voter turnout may favor the GOP. Recall rules say that if the signature approval process lasts beyond September 6, then the election will be held March 4, when the presidential primary will be held in California and Democrats will have an edge. The recall gained steam recently for two reasons — at least $700,000 in cash from car alarm magnate Darrell Issa, a Republican congressman from Vista, and the meltdown of budget talks in Sacramento. The recall ballot will include two questions: Do you want to recall Davis? and Who do you want instead? Whoever gets the most votes wins. Both parties worry they could lose if too many candidates are attracted by the tantalizing fact that you might win with 15,000 votes. Issa said he wants a unity candidate for the GOP. Democrats are privately encouraging Sen. Dianne Feinstein. As the state's most popular politician, analysts say Feinstein could clear out the Democratic competition and easily gain a plurality of the vote. Feinstein wrote an op-ed piece in June that assailed the recall but didn't rule out her candidacy and failed to say anything nice about Davis, whom she defeated in an ugly primary for U.S. Senate in 1992. On the other side, Republicans are looking to the money and star power of actor Arnold Schwarzenegger. "This is really embarrassing," said the star of "Terminator 3," scheduled for a politically timely release on July 2. "I just forgot our state governor's name, but I know that you will help me recall him."

Poll

Would you vote yes to remove Davis as governor or no to keep Davis?*

51%-Yes

43%-No

* PPIC poll of likely voters released 6/12.

Possible recall candidates

Republicans: Rep. Darrell Issa, , former Sec. of State Bill Jones, Sen. Tom McClintock, U.S. security advisor Condoleezza Rice, ex-LA Mayor Richard Riordan, actor Arnold Schwarzenegger, businessman Bill Simon.

Democrats: Treasurer Phil Angelides*, Senate President pro Temp John Burton, Lt. Gov. Cruz Bustamante*, Sharon Davis (wife), Sen. Dianne Feinstein*, Insurance Commissioner John Garamendi*, Atty.Gen. Bill Lockyer*, Oakland Mayor Jerry Brown.

Other: Green Party's Peter Camejo, retired publisher Danny Ball.

*Said in June they do not intend to run in a recall.

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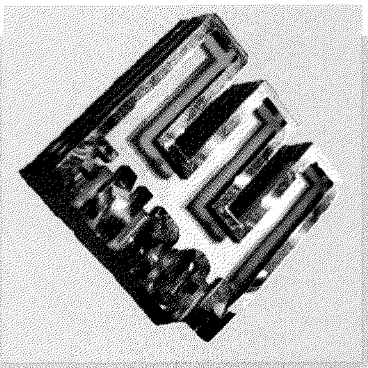
Flashback:

Shades of 2001

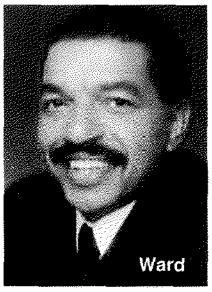


As spring rolled into summer, there were reminders that it wasn't so long ago that California suffered through rolling blackouts and steep energy bills. Already this year, the California Independent System Operator has declared a Stage 1 power alert — which means the state was within 7 percent of running out of power. The reason? High temperatures and transmission lines that were under repair. A week later, the FBI arrested the man federal authorities allege was behind many of the energy trading schemes that arguably sent Californians' energy bills soaring in 2000 and 2001 — Enron's John Forney. Forney's arrest — for wire fraud and conspiracy — prompted Gov. Gray Davis to say in a statement: "It's time that someone from Enron paid big time."

Bailout:

Sacramento comes to Oakland

The biggest school bailout in California's history happened in June when Gov. Gray Davis signed legislation to put Oakland Unified School District under the auspices of the state. California didn't take over Oakland Unified because of poor test scores — indeed, the district was making academic strides — but because the district overspent its budget by $82 million in the last two years. The fall guy turned out to be Dennis Chaconas, the superintendent who spent those many millions. The new boss is Randolph Ward, the state administrator who helped pull Compton Unified School District out of a $20 million hole in 1996.


Ward

SUVs:

Walking the walk

Here come the SUV police — this time it's Senate pro Tem John Burton and Treasurer Phil Angelides. They're behind Burton's legislation to get all the sport utility vehicles out of the 73,000 state-owned fleet (except for emergency use, law enforcement or security purposes). State officials say that 7 percent of state autos are SUVs.

Charity:

From the pockets of babes

Don't think there weren't a few light bulbs going off in Sacramento when a Sonoma County third grade class sent — voluntarily — two jars of change totaling $50 to Gov. Gray Davis' office to help balance the state budget. In making their donation, the kids — from Alexander Valley School in Healdsburg — hoped to help the state get out of its budget mess and head off cuts to their own school. "Hopefully he'll [Davis] see that this money was collected by kids, and he won't take money from our school," 9-year-old Stuart White told the *San Francisco Chronicle*. There's been no word yet on whether Davis has targeted the class for a fundraising visit.

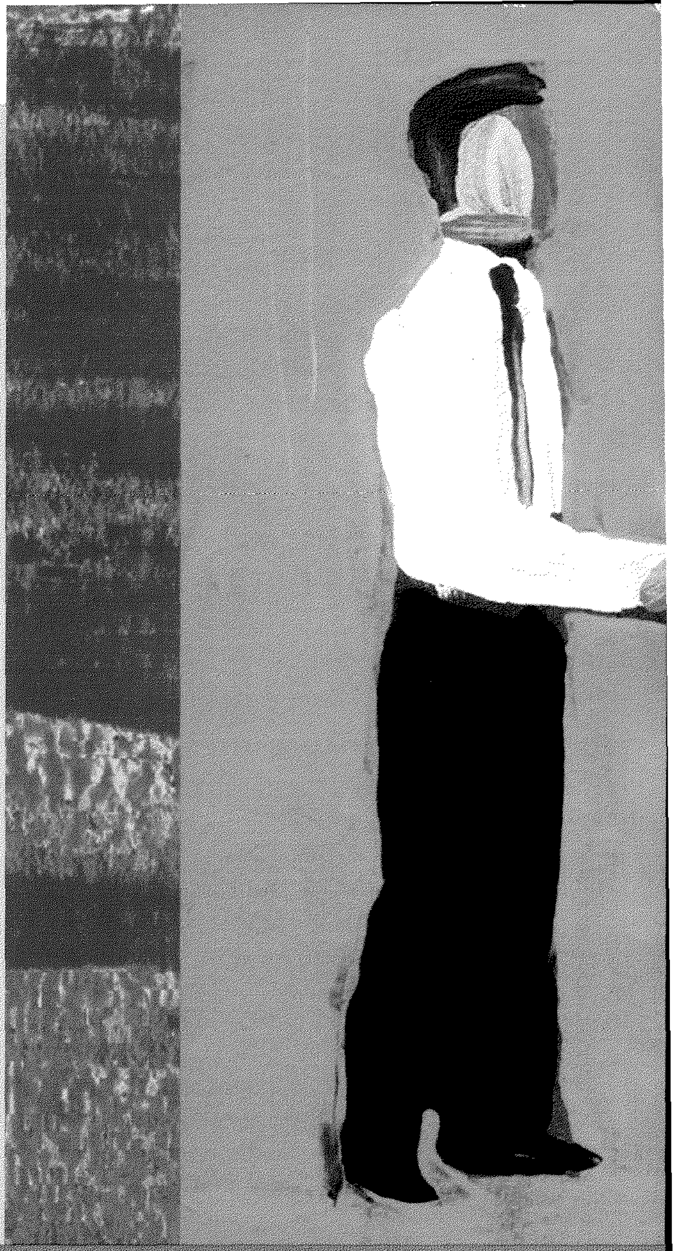
Quotables.....

"[Republicans] can take a shot. Then they'll get their ass kicked. Folks have been underestimating me for a long time. Don't worry about it, man. I've won five elections in this state. And I'm not going to lose one."

— Gov. Gray Davis on the recall, in an interview with the *Los Angeles Times 6/11/03*

The high profile "New Era" with Mexico that Governor Gray Davis touted in his first days in office takes a back seat to the state's energy and economic crisis. Officials complain that Davis has shrunk his personal involvement, although relations are improved and new programs underway.

By Sandra Dibble

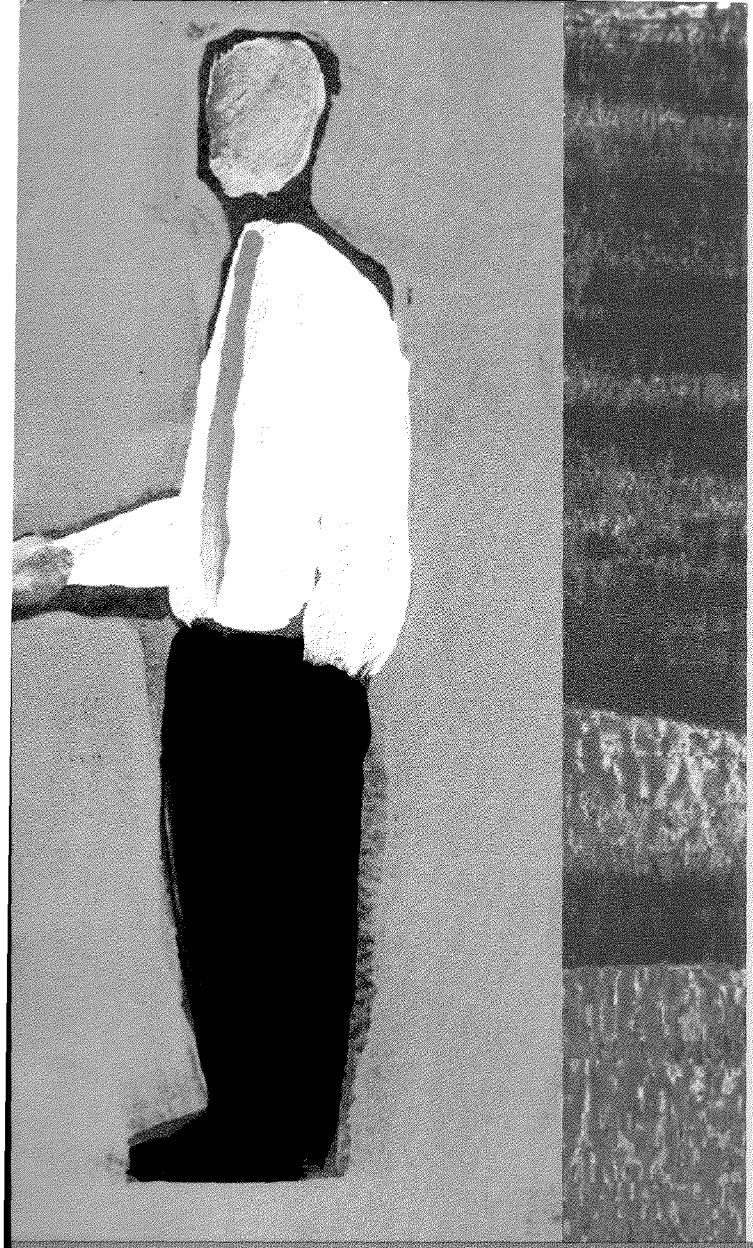


REVISITNG THE

It was a heady moment, filled with promise: After only a month in office, California's new governor took off for Mexico City, heralding a new era in the state's relations with Mexico.

"Our most important neighbor," Gray Davis said. With those words, the once-frosty relations melted like springtime snow, setting the stage for unprecedented cooperation between California and Mexico.

More than four years later, the promise is partially fulfilled: Trade is booming, and California and Mexico are collaborating



on everything from bi-national health initiatives to environmental cleanups to agricultural programs. Mexico proved a reliable ally during California's 2001 energy crisis, exporting an emergency supply of electricity for homes and businesses across the border.

Still, reality has fallen short of the high hopes launched when Davis stepped into office. Outside pressures have taken their toll, commanding the governor's attention, from California's $38.2 billion budget shortfall this year to the energy crisis to new concerns about terrorism. Global realities such as the economic downturn have created barriers unforeseen four years ago.

"California has faced some major problems in the past couple of years," said Harry Pachon, director of the Tomas Rivera Institute, a public policy think tank focusing on Latino issues. "When your house is on fire, you worry less about your neighbors."

In the intensely intertwined California-Mexico border region, some say bilateral relations have languished, at least in part because of the governor's lack of personal commitment to the region.

"We'd like to see him, to see his leadership," said Ernesto Ruffo Appel, Mexico's commissioner of the northern border. "It seems as though he has other priorities."

Abraham Lowenthal, a University of Southern California professor of international relations who has studied the connections between Mexico and California, agrees the relationship has not lived up to its potential. "There has been a lot of atmospherics to improve the communication, but there has not been a lot of concrete follow-up."

California-Mexico relations play out at many levels, with a range of actors — bureaucrats and businessmen, scholars and politicians, families whose roots and loyalties extend on both sides. The links are so intense and pervasive that no matter who is governor, no matter what the political climate, the daily transactions continue. The actions and attitudes of the state's chief executive can do much to open new possibilities for cooperation. Sean Walsh, spokesman for former Governor Pete Wilson, said Davis has done little to improve relations between California and Mexico."He's all hat and no cattle," said Walsh. "It's all been PR, and little on the substantive

"NEW ERA"

Illustration by Joe Allen

Governor Gray Davis in Mexico City after a meeting with the Mexican Foreign Affairs secretary, Juan Rebolledo. Photo: Reuters, Heriberto Rodriguez, 2/2/99.

front."

Still, few dispute the Davis administration's claims that relations with Mexico have improved since he took office. "The past administration had a horrible relationship with Mexico, and today that relationship is so much better," said Lieutenant Governor Cruz Bustamante, a Democrat.

"From a diplomatic point of view, the relationship is the most important achievement," said Michael Flores, Davis' secretary of foreign affairs. "You don't have that dialogue, you don't have that relationship, you can't get anything done." California-Mexico relations plummeted in 1994, when then-Governor Wilson, running for reelection, embraced Proposition 187, a controversial ballot initiative to end most public benefits for illegal immigrants.

South of the border, Proposition 187 was widely decried as anti-Mexican. News anchors matter-of-factly denounced the "racist and xenophobic policies of California" and editorialists decried the measure. The city of Tijuana declared Wilson persona non grata, and opponents organized a boycott of the border.

Despite the public furor, trade grew, and cooperation continued between Wilson's administration and Mexico. Along the border, Ruffo, then governor of Baja California, said he maintained a good, if low-key, relationship with Wilson.

Walsh said that cooperation between California and Mexico continued despite the controversy: "The irony about Wilson is that Wilson worked with a lot of [Mexican border] governors, he sat down and really listened to what their concerns were, like border crossings, truck inspections, etc," said Walsh. "He took those concerns to Washington and tried to move forward in joint economic cooperation."

But anger was such that it was as though formal diplomatic ties between California and Mexico had been broken. Relations were so deteriorated, said one Mexican official, that during a trip to San Francisco in 1994, Mexican President Carlos Salinas de Gortari refused Wilson's request for a meeting.

Davis first sounded the theme of improved relations with Mexico early in his 1998 gubernatorial campaign, part of his strategy to win the support of California's Latino voters. In December 1997, he traveled to Mexico City while still lieutenant governor, the highest-ranking elected California official to meet with Mexican President Ernesto Zedillo. A month after his inauguration, Davis led a high-profile delegation of government, academic and business leaders to Mexico City, ushering in a new era in California-Mexico relations.

"The days of shouting and finger-pointing are over," Davis declared upon his arrival in Mexico City. "We are ready and eager to build the future together — juntos together."

Three months later, Zedillo was making history in Sacramento as the first Mexican head of state to address a joint session of the California Legislature. A year later, in May 2000, California legislators heard from presidential candidate Vicente Fox of Mexico's National Action Party, the PAN. Six months after that, Davis was in Mexico City for Fox's inauguration as president.

The early gestures paid off, winning much goodwill for California.

Though U.S.-Mexico ties are carried out primarily at the federal level, Mexican officials are keenly aware of California's importance. Mexico's foreign ministry maintains 10 consulates in California, more than any other country; only Texas, with 11 consulates, has more.

Rodulfo Figueroa served in the Mexican consulate in San Francisco during Wilson's second term and is now head of the consulate in San Diego. Under Wilson, "it was very difficult to talk to people close to the governor," said Figueroa. "They were not as open as they are now."

The new administration "brought a significant change in the climate" toward Mexican workers in California, said Carlos Rico, minister for political affairs at the Mexican Embassy in Washington, D.C. "It has affected the real lives of many people."

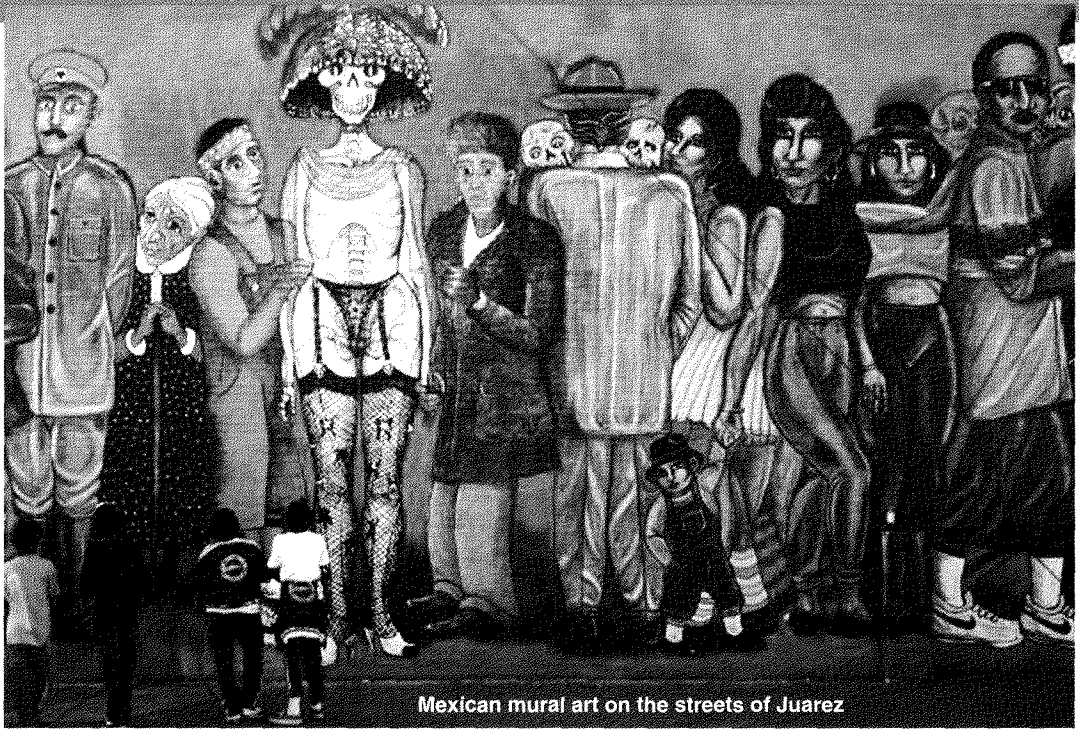
Mexican officials say it's not just a question of the Davis administration and its policies. The growing number of politicians of Mexican origin in California also has helped change attitudes. The California Legislature is increasingly taking into account the interests of Mexicans in the state with initiatives such as a pending bill that would grant drivers licenses to illegal immigrants. Davis has twice vetoed similar bills, saying they did not contain proper anti-terrorist safeguards: "The governor's been committed to getting it done, we just haven't got there yet," said the bill's author, state Senator Gil Cedillo, (D-Los Angeles)

Good or bad, political relations can't override the family connections, cultural bonds and economic ties that bind Californians and Mexicans. In 2000, Mexico surpassed Japan as California's largest trading partner, with annual exports now totaling $17.5 billion.

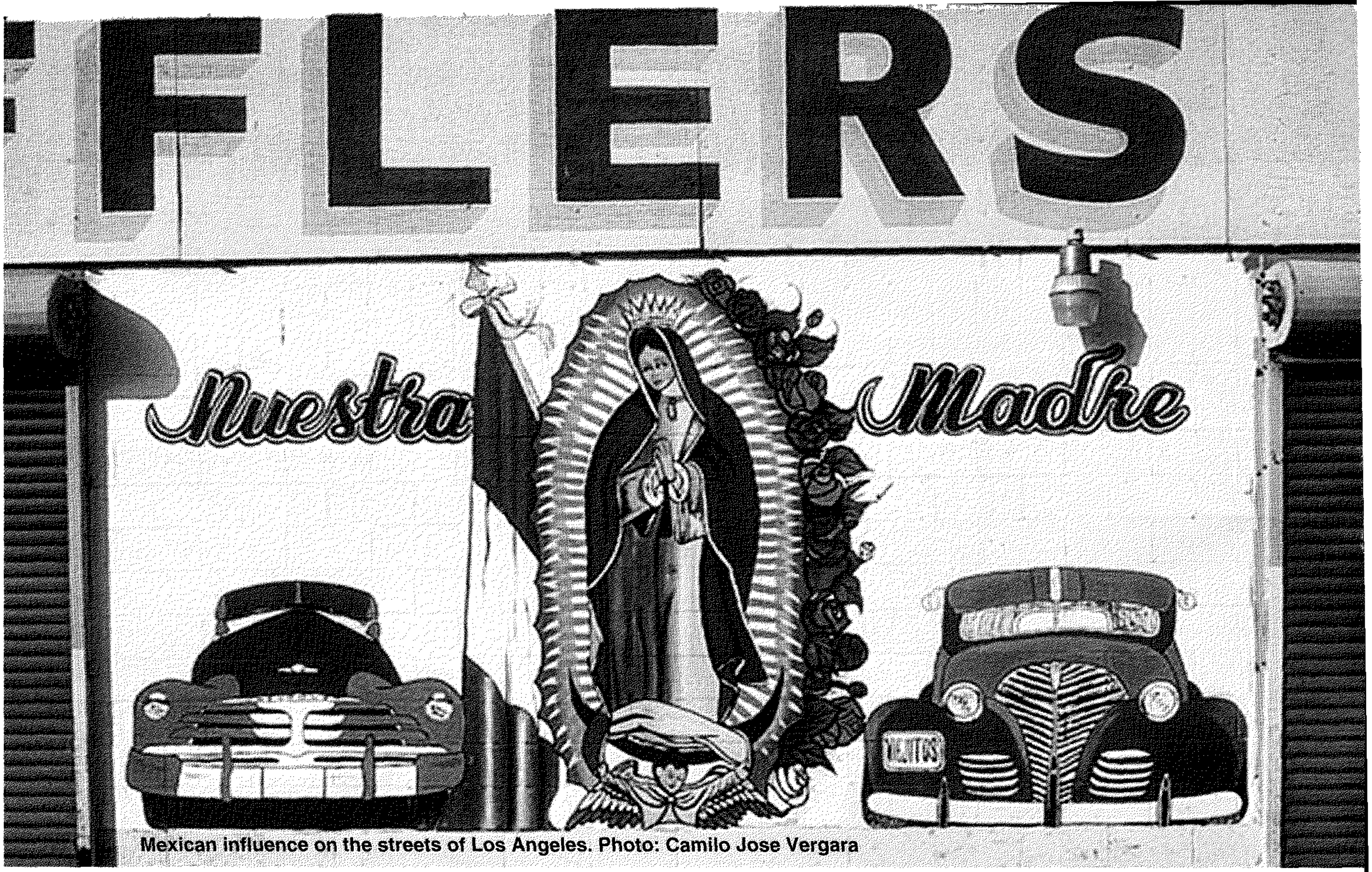
"If California were a sovereign country, Mexico would be the prime country in its foreign

> **"The days of shouting and finger-pointing are over. We are ready and eager to build the future together — juntos — together."**
>
> **— Gray Davis**

California relations with Mexico deteriorated after voters passed Proposition 187 in 1994 to stop public benefits for illegal immigrants. Former Governor Pete Wilson was a strong supporter of the measure.



Mexican mural art on the streets of Juarez



Mexican influence on the streets of Los Angeles. Photo: Camilo Jose Vergara

policy, and similarly from the standpoint of Mexico," said Lowenthal, who has testified on the subject before the California Legislature. "Certainly there are many issues in U.S.-Mexico relations that are presented in sharper and larger form in California than anywhere else."

But neither the governor nor state legislators can do anything about the Mexican government's main concern: Legalization for some 4 million Mexicans living illegally in the United States.

"We get hampered when the feds don't do their part," said Cedillo, author of the drivers license bill. "Those [issues] are out of the hands of the governor, and so while we're working hard to create good relations with Mexico, they [Mexicans] have frustrations over the failure of the Bush administration to look southward and address the concerns that are critical to us."

Lieutenant Governor Bustamante wishes the federal government would do more to promote trade: "Even though they're our number one trading partner now, the trade potential between Mexico and California is even greater," Bustamante said. "I don't think California has been well served by the federal government in the last couple of years."

Far from Mexico City, far from Washington, D.C. — and far from Sacramento — the border has its own realities. Clogged federal border crossings take their toll on businesses, families and workers on both sides. Pollution, disease and crime, on one side spills over to the other. California-Mexico relations are not an abstraction but a reality that confront residents on a daily basis.

California state officials are collaborating closely with their Mexican counterparts on everything from curbing air pollution in Tijuana to battling Exotic Newcastle Disease, fatal to poultry, in California to creating cross-border health networks.

Environmental officials built strong relationships with their Mexican counterparts during Wilson's administration. But under Davis, the California Environmental Protection Agency has, for the first time, opened an office of border affairs.

"I know that there wasn't the kind of emphasis on coordination that we've put in place," said Winston Hickox, secretary of the California Environmental Protection Agency. With undersecretary Ricardo Martinez coordinating border programs, the agency is now spearheading a wide range of bilateral efforts.

The agency is helping the city of Tijuana create a vehicle smog-check program, offering advice on used tire disposal, training Mexican inspectors in detecting sources of pollution, and helping develop an environmental education curriculum for Baja California schools. The agency has offered to help federal environmental officials in Mexico develop a land use plan in the Sea of Cortes region.

Agriculture officials on both sides have also developed a close rapport. "We're in almost daily communication," said David Ibarra, livestock director for the state of Baja California. His department has sent staff to California to help train poultry workers, many of whom are Mexican and don't speak English, in combating the spread of Exotic Newcastle Disease.

"The Baja California veterinarians have been instrumental in the success" of California's Exotic Newcastle Disease Task Force, California Agriculture Secretary William Lyons said this month at a speech in Garden Grove.

Despite the growing rapport at the agency level, Davis has not forged close ties at the border. "It was critical at the time that he took office to get at that higher level relationship with Mexico City," said Senator Denise Moreno Ducheny (D-San Diego). "The part that hasn't come together is the whole peninsula thing. There hasn't been that highest level relationship."

"Everything has functioned, everything happens, but it would be much more comfortable if the governor himself were present."
— Ernesto Ruffo Appel, Mexico's commissioner of the northern border

Democratic Senator Gil Cedillo, who is sponsoring a bill granting illegal immigrants drivers' licenses.

Davis revived the Commission of the Californias, founded in 1964 to bring together the governments of California, Baja California and Baja California Sur. The commission, which had stopped functioning under Wilson, now has an office in San Diego and a two-person staff. But the commission has yet to meet, and critics say it is up to Davis to make that happen.

"You don't necessarily have to have the principals meet," said Flores, Davis' foreign affairs secretary. "It's nice icing on the cake when we finally get one [a meeting of the governors], but the staffs continue to work."

But Baja California Governor Eugenio Elorduy recently complained publicly about relations with California during an interview with the editorial board of the *San Diego Union-Tribune.*

Born in Calexico and schooled at a Jesuit high school in Los Angeles, Elorduy, who is fluent in English, came into office eager to build strong links with the Davis administration. A month after his inauguration, Elorduy met with Davis in Mexico City in December 2001, and the two vowed close collaboration on a range of topics, from economic development to tourism to public safety through six separate working groups.

But 15 months later, the Baja California governor was clearly disappointed at his lack access to his California counterpart. "What we're worried about here is that the governor is looking from, I think, Orange County north," Elorduy said.

Two weeks after Elorduy's published outcry, Davis met with him in San Diego, addressing the Baja California governor as his *amigo.* Together, the two governors demanded that the federal government speed up the border's clogged crossings. Elorduy said relations since have improved and his government now enjoys "good" relations with the Davis administration. "We've once again found adequate communication, he is responsive and above all his collaborators are being helpful, and acting on our concerns," Elorduy said.

Ruffo, the commissioner of the northern border, wishes he had more access to the California governor. "It has not been that easy to get close to him," said Ruffo.

Ruffo, whose job is to promote infrastructure and economic development along Mexico's fast-growing northern border, wishes that Davis were more active in the Border Governors Conference, held each year to bring together governors of the six Mexican and four U.S. border states.

Davis, who has missed the last two meetings, has been the least active of all the 10 border governors, Ruffo said. Their participation is key in forging a common regional vision of the border to help lobby for projects in Washington, D.C. and Mexico City, Ruffo said. "Everything has functioned, everything happens, but it would be much more comfortable if the governor himself were present," he said.

Flores said Davis was forced to miss the meetings because they occurred at a crucial time for passage of California's budget. He said Davis intends to be in Chihuahua in August for the next conference. Acknowledging progress, both critics and defenders agree there is still much work to be done in California's relationship with Mexico. Some of that progress will depend on external factors beyond the governor's control.

But some say Davis could play a larger role in bringing together the state with its southern neighbor. "We have shared interest in conditions of labor, education, the treatment of immigrants and in facilitating trade in both directions as well as investment in both directions. It calls for more focused attention on a sustained basis than it has ever gotten," said Lowenthal of the University of Southern California. "Either in this or in any preceding administration."

Sandra Dibble is a staff writer for the San Diego Union-Tribune *based in Tijuana. Comments may be sent to* **comments@californiajournal.com.**

California's first

Michael Flores is the state secretary of foreign affairs, a post created by Governor Davis to improve relations with Mexico and to reflect California's heightened role in a global marketplace. Davis' choice for the job is "a local kid" who has come a long way from his days in a working-class Sacramento neighborhood.

By Laura-Lynne Powell

Among the many souvenirs Michael Flores displays from his travels as California's secretary of foreign affairs — the blue enamel-inlaid silver cufflinks that were a gift from Ireland's president; the soapstone carving of an Egyptian king bought at an outdoor market near the Nile River; the bottle of 100-year-old Midleton's Irish whiskey purchased from a portly Scotsman in Edinburgh — none is more precious than the *un centavo*, a simple dime, Flores found on a dusty street in central Mexico.

"I saw it, a flash of silver, in the mortar between two cobblestones. I picked it up and held it in my hand and I knew this was meant for me," Flores says with a wave toward his wallet where the centavo sits today. "It's a piece of the place where my father was born."

Flores keeps the centavo as a touchstone of sorts, taking it out from time to time and flipping it over in his fingers. When he does, "I tremble," he says. It reminds him how far he's come.

Flores is the son of working-class parents who raised him and five siblings on the hourly wage of an engine-parts cleaner for Southern Pacific Railroad. But when he considers how far he has come, he's also referring to his childhood in a mixed-race family, where he denied his Latin heritage so he could fit in, and his adult role as a prominent diplomat to Latin America and the world.

Flores, 46, now serves as Governor Gray Davis' chief liaison to foreign governments from his office within the horseshoe at the Capitol. Davis created the post when he took office in 1999 to emphasize his commitment to Mexico and to showcase California's growing role in a global marketplace.

Today, the boy who never ventured far from his parents' modest home near Fruitridge and Stockton boulevards in Sacramento, travels the world with a job that entitles him to meetings with senators,

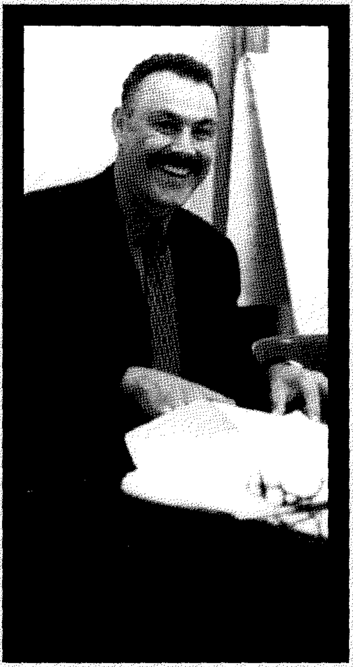


Photo: Michael Emery

Photos in this article are courtesy of Michael Flores

diplomat

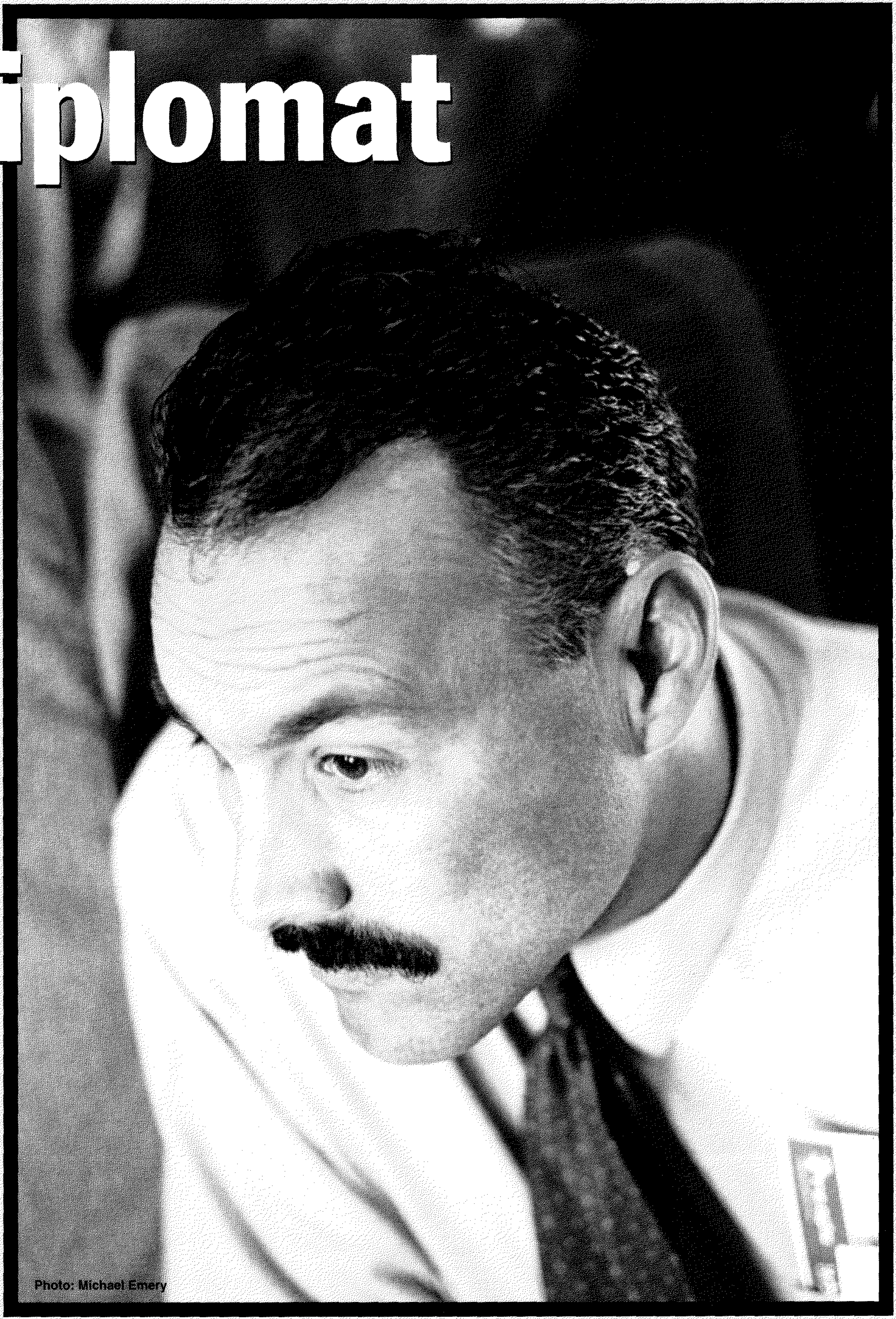


Photo: Michael Emery

Michael Flores

ambassadors and world leaders. He is the point of first contact for foreign governments interested in California issues ranging from trade and tourism to security, education, agriculture and immigration. It's a role that fits the dapper Flores as well as the Armani- and Hugo Boss-designed suits that he favors. He is the ultimate schmoozer who is successful in part because he sincerely enjoys the tasks of statesman representing the governor of California.

"Mike established a lot of good ties," said Jeffrey Davidow, the U.S. ambassador to Mexico from 1998 to 2002. "You have to visit frequently, you have to connect with the people. Mike did that. He has an easy-going manner. He likes to help people. I know the Mexicans appreciated that."

Back in Sacramento, Flores' job isn't always so easy going. Like others in the governor's office, he wears more than one hat. Flores wields considerable clout within the governor's office through his role as director of administration, where he is responsible for managing the 200 employees who work directly for Davis. "I'm not herding cats. I'm herding lions," he explains. "And lions have big egos."

His detractors describe him as arrogant and underqualified, his advances merely payment for his fierce loyalty to Davis. Others say he is charismatic and hardworking, his eagerness and open personality an effective balance to his boss's famously stiff demeanor. "I think there's a good ying and yang there," said one Davis official.

Flores is also an important and controversial player in state environmental policy since Davis appointed him in 2000 to be chairman of the Wildlife Conservation Board and president of the California Fish and Game Commission. His selection was a shock to environmentalists because Flores is an avid hunter who enjoys tracking elk and antelope with a bow-and-arrow. His appointments were met with protests by animal rights groups and he has clashed openly with other Davis appointees on the five-member Fish and Game Commission. But Flores also considers himself a centrist, committed to balancing environmental protection and access for hunters and anglers. So far, he has managed to avoid high-profile confrontations over major policy decisions.

Sacramento childhood

To say Flores is a people person is an understatement. The gregarious, easy talker was a corporate head-hunter, a counselor of troubled kids and a San Quentin prison guard before embarking on a career in politics. He can't pass a homeless person on the street without reaching into his pocket for a bill.

He considers his tendency toward compassion a good fit with the Democratic ideals he learned to appreciate as a boy attending pro-union rallies with his father, who worked in the non-union shop at the railroad. The only medical benefits the company offered were available at a hospital far away in San Francisco or, on occasion, when a nurse visited onsite. During one of those visits, Flores' father was given a shot of penicillin to fight a persistent cough.

"My father had an allergic reaction. He looked like the Michelin man. He was in extreme pain, but he still had to go to work. I remember him hitting the front door at the end of the day and dropping to his knees. He crawled around on his knees. He couldn't walk, but still, he went to work."

(Below) Michael Flores with Mexican governors from Baja. (Right) Flores whispering to Governor Davis after attending a Univision event with Vicente Fox at University of California at Los Angeles.

Photo: Michael Emery

His father was born in Mexico and moved to the United States when he was 3. He became a naturalized American citizen in Italy as a U.S. serviceman during World War II, but because of the war, he never finished high school. Like many neighbors, though, he found work at the railroad yard near downtown. Flores' mother, a German-American woman from the Midwest, helped with odd jobs like caring for elderly neighbors and baby-sitting. While the family struggled financially, Flores recalls he and his siblings grew up happy and well-cared-for. Neighbors kept each others' kids safe and St. Peter's Catholic Church was a vital part of community life. But Flores also recalls the burden his family bore in the predominantly white, blue-collar neighborhood

"Now we celebrate diversity, but back then, I tell you,

Photo: Michael Emery

The attendant refused to serve them. The gas gauge was so low the boys couldn't take a chance of another rebuff, so Flores' brother told him to duck under the dashboard so he wouldn't be seen at the next station. The attendant there filled up the gas tank without hesitation. "They wouldn't serve Mexicans," Flores says, his jaw tightening as he tells the story.

Flores grew up just a few miles from the state Capitol, but it wasn't until he was a senior at Hiram Johnson High School in the early 1970s that he got his first taste of politics inside the domed landmark. That's when he won an internship to work in the office of Assemblyman Joe Montoya (D-El Monte). Later, Flores attended California State University, Sacramento, where he earned a degree in psychology that led to jobs as a correctional officer, first as a prison guard at San Quentin for six months, then guarding inmates at Folsom for two years. While one might expect such experiences to have hardened Flores, they did just the opposite — they softened his judgments.

"Yes, I saw guys who did bad things, evil things," he said. "But I also saw a lot of people who had a lot of bad breaks." He got the job he really wanted when he transferred to counsel troubled youths at the California Youth Authority's correctional center in Sacramento. He finally ended up back at the Capitol with the hope of preventing problems like juvenile crime. "Clearly, we weren't catching these kids in time. Clearly, we need to get help to these kids when they're still in school and at home," Flores said.

Department of Consumer Affairs Director Kathleen Hamilton remembers hiring Flores for his first job at the Senate Democratic Caucus in 1986. "He was young and he

> **"Now we celebrate diversity, but back then, I tell you, you assimilated. You blended. I always played up as a kid being German. I wasn't Mexican."**
>
> **— Michael Flores**

you assimilated. You blended," Flores says. He leans forward, his forearms on his knees. "I always played up as a kid being German. I wasn't Mexican."

Neighbors once passed a petition to force his family out of their home because they didn't want a "mixed race" family on the block. Their parish priest put an end to the effort, but the sting of rejection took a toll on the child who looked most like his Mexican-born father.

"My brothers are white, white like my mother. I'm like my father. I'm dark. I was so different. I felt like a cat being raised by a dog," Flores says.

Flores' easy smile is replaced with a pensive frown as he recalls one painful incident. "When I was a kid I heard my mother tell my father she was taking my brothers to visit her family in Idaho. She wasn't taking me. She told my father, 'You know they don't like Mexicans.' She wasn't talking about her family, they loved us, but other people out there, people who lived nearby. She was trying to protect me."

Another time, when Flores and a brother were teenagers, they stopped at a service station along I-5 in Salinas.

was hungry and he loved politics," Hamilton recalled "I saw in him someone who would be a really hard worker."

The next year, Flores married his wife, Melissa (the couple now have two children, Ellesse, 10, and Michael, 8, and live in a sprawling new home on four acres off Jackson Highway). Their wedding portrait was photographed by the rose garden in front of the Capitol.

Flores worked later for Democratic Treasurer Kathleen Brown, whom he calls a mentor, and her successor Matt Fong, a Republican. It was Hamilton who brought Flores over to Davis' office when Hamilton was the lieutenant governor's deputy chief of staff. "He is one of those people who you can tell what needs to be done and he does it," she said. "You could send him anywhere."

When Hamilton and chief of staff Garry South moved from the lieutenant governor's office to the campaign to elect Davis as governor in 1997, Flores took over administrative duties in the Capitol. It was in that capacity that he first went with Davis to Mexico..

California's relations with Mexico were strained by that time. Voters had approved Proposition 187, the controversial statewide ballot to cut many state services to undocumented immigrants. The debate that engulfed it was divisive, and Republican Governor Pete Wilson's support for the measure tarnished Mexico's view of Sacramento.

Davis saw an opportunity. He arranged to visit Tijuana and Mexico City along with Flores, saying there was no reason the Democratic lieutenant governor couldn't have a relationship with California's neighbor to the south. Except for a shopping trip to Tijuana, Flores, who does not speak Spanish, had never been over the border.

Davis was so warmly welcomed that his team saw not only the potential for further political mileage, but also a way for Davis' administration, if he was elected, to promote the state's huge economy.

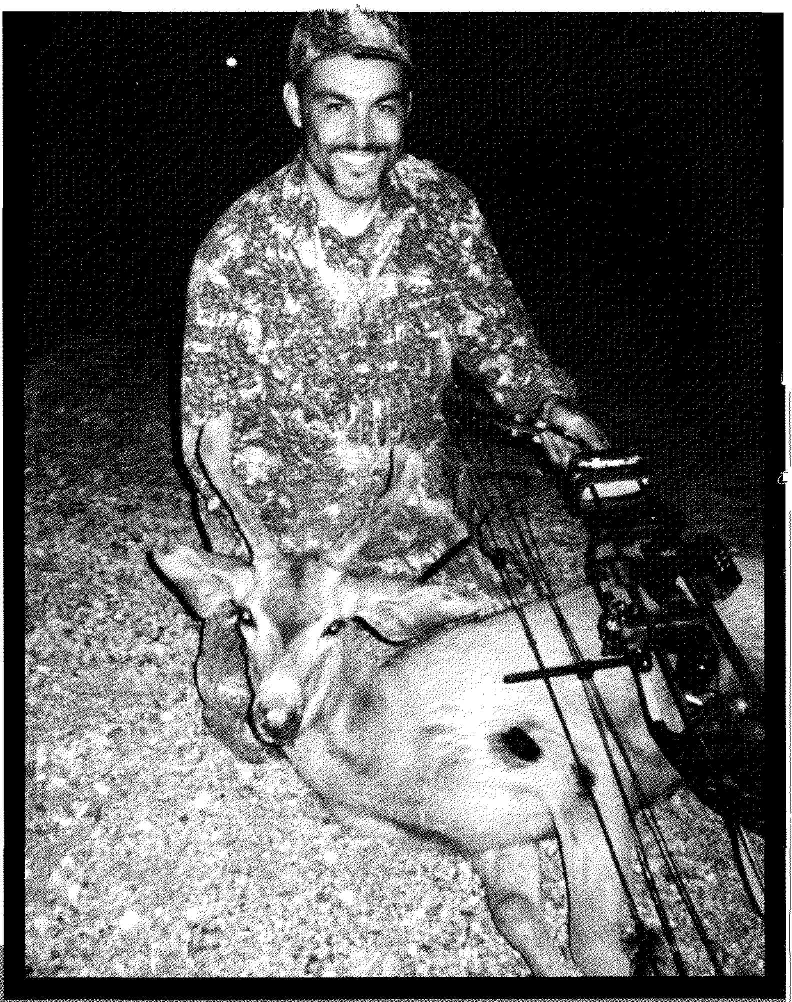
Flores was assigned to massage the relationships that were established, a job he relished. He discovered that he felt at home among Mexicans. The lessons of his father, to treat people *con permiso,* which he defines as "showing respect, deference, caring about people," eased cultural differences.

In the year after his first formal trip, Flores visited Mexico more than 10 times, attending inaugural ceremonies, weddings, funerals and festivals. Today, his early contacts have turned into friends, some with access to Los Pinos, the Mexican White House.

Davis created the new post of secretary of foreign affairs when he met in Mexico City with President Ernesto Zedillo just one month after he took office in 1999. "He told them, 'When you call Mike, you're calling me,'" Flores said.

Flores later arranged Zedillo's historic trip to Sacramento, the first time a Mexican president had visited the Capitol, as well as recent visits by the current president, Vicente Fox. He also arranged and participated in Davis' European and Middle East tour in 1999, including meetings with Egyptian President Hosni Mubarak, British Prime Minister Tony Blair and former Palestinian leader Yasser Arafat.

"This job has taken me all over the world," Flores says during an interview in his memento-strewn office. "I've sat



> **"I've sat with presidents and prime ministers and yet I'm just a local kid. I can't tell you how grateful I am for that."**
>
> **— Michael Flores**

(Far left) Michael Flores with a deer shot with his bow. (Above) Flores with the first elk he shot with his bow in Colorado. He tracked the elk for 12 days. (Left) Flores with his labrador near the Yolo Bypass hunting for mallards. Flores now prefers not to shoot game but use a bow and arrow.

with presidents and prime ministers and yet I'm just a local kid. I can't tell you how grateful I am for that."

Flores, who makes $122,000 in salary, is also loyal, and he's proud of it. "I try to keep people focused on the goal, and the goal is the boss. It's not the ideology, it's not the constituents, or any other individual here. The goal is to implement the governor's policies."

Some insiders say Flores' appointments to the Wildlife Conservation Board and the California Fish and Game Commission were rewards for his loyalty. They are, Flores says, "if you mean it in the positive sense. I love my job."

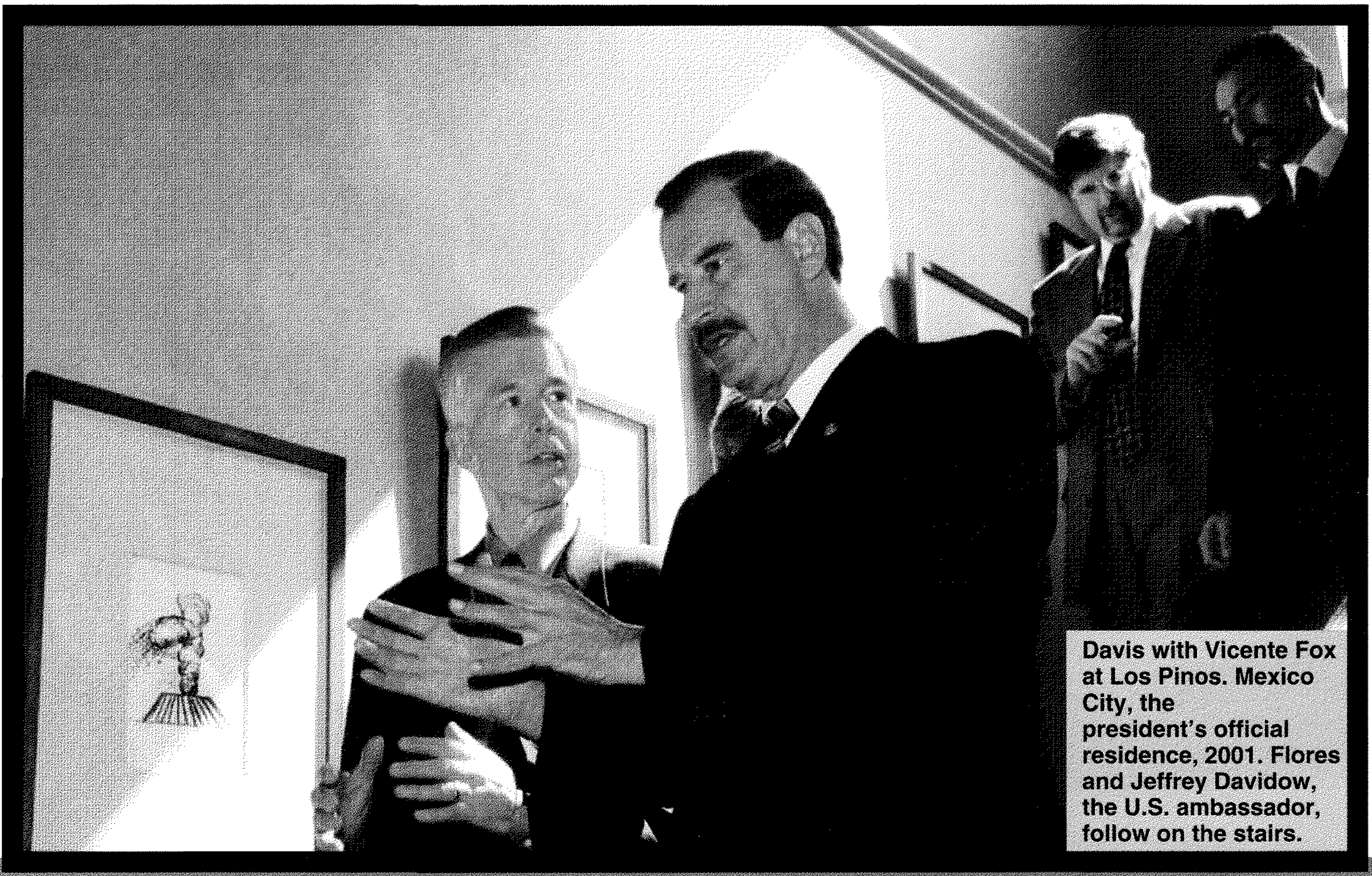
Flores has fished and hunted since he was a child and his enthusiasm for his hobby has only grown. You might call him an "extreme" hunter now. Several times a year he disappears into the woods of Northern California, Colorado or Idaho and, wearing green and brown dappled camouflage, tracks on foot elk and antelope that he kills with bow and arrow.

He sees his hunting life as an extension of his love of nature. Asked if he didn't view it as extravagant, he responds: "It's just the opposite. It's so basic. It's so real."

Needless to say, his sympathy for hunters and anglers has put him at odds with left-leaning Democrats who see the Fish and Game Commission's job as one of environment and habitat protection. Animal-rights groups protested his appointment in 2000 and some environmentalists call him "a closet Republican.".

So far, Flores has not tipped the commission — composed of five members appointed by the governor — toward hunters on any major issues. But he has generated friction with such environmentalists as co-commissioner Bob Hattoy, a former Sierra Club leader appointed by Davis.

Environmentalists recently expected a showdown between the two commissioners over a vote to restrict fishing at the Channel Islands that was strongly opposed by



Davis with Vicente Fox at Los Pinos. Mexico City, the president's official residence, 2001. Flores and Jeffrey Davidow, the U.S. ambassador, follow on the stairs.

> **"I try to keep people focused on the goal, and the goal is the boss. It's not the ideology, it's not the constituents, or any other individual here. The goal is to implement the governor's policies."**
>
> **— Michael Flores**

anglers. When the vote was taken last year, Flores didn't show up, making Hattoy the tie-breaker who sided against the anglers. Flores said he was home with the flu, but environmentalists suspect that Davis intervened on the matter.

Flores admits that he and Hattoy, who was unavailable for comment, "don't see eye to eye." But he adds: "I like Bob. I think he's representing his constituents and I'm representing ... well, I'm trying to strike a balance. We're both just doing our jobs."

Father's house

Flores has now been to Mexico more than 40 times as California's chief foreign diplomat. The trips "were like pilgrimages for me." Last year, he took a side trip to Tecolotlan, the village near Guadalajara where his father was born.

"When I got to where his house was supposed to be, it was gone, an empty lot," Flores says. He found the *centavo* instead. "I carry it with me now everywhere I go," Flores says. "Mexico is in my heart now."

When asked to describe what the piece represents to him, Flores tells a story. It was March 1999 and the climax of Mexican President Zedillo's historic visit to Sacramento, which Flores had arranged. Flores was standing on the Assembly floor as the president addressed a joint session of the Legislature. He was feeling proud and awed. As his eyes swept the room, he saw his parents sitting in the upper gallery. They still live in the house where Flores grew up.

He thought about his father's life as a Mexican native, as an immigrant who struggled to be accepted in the United States, as a hard-working father who always wanted good things for his children. Flores studied his father's face.

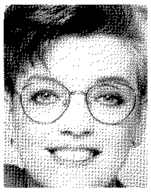
When asked, "What did you see there?" Flores says, "I saw..." and then silence. Choking back tears he adds, "It was just such an important moment for me."

"I am a Mexican-American now," he said later. "And I'm half German, though I don't think anyone even knows that."

Laura-Lynne Powell is a freelance writer in Sacramento. Comments may be sent to **comments@californiajournal.com.**

Southland corruption

by Sherry Bebitch Jeffe



San Diego is the latest Southern California municipality to face the glare of the media spotlight. In May, the FBI and San Diego police detectives raided the offices of three City Council members as part of a two-year probe into allegations that public officials had accepted bribes aimed at influencing them to water down the city's strip club regulations.

According the *San Diego Union-Tribune,* it is the city's biggest political corruption case since 1970 "when eight active and former members of the City Council were indicted on charges they took bribes from the Yellow Cab Co."

San Diego may have given us the Southland scandal *du jour,* but the city is not alone in being pummeled by charges of political corruption.

Last January, in the midst of federal and state investigations, South Gate recalled the city treasurer and his three allies on the City Council. In March, following a three-year county probe, Compton's former mayor, the city manager, and a majority of its City Council were arrested for misusing public funds. Two indicted council incumbents were defeated in April.

A concurrent federal investigation focused on transactions between Compton officials and Paul Richards, a veteran city councilman from nearby Lynwood. Richards was a longtime ally of former Mayor Omar Bradley, one of Compton's indicted officials. A recall against Richards has been mounted.

> Corruption probes distract public officials and can destabilize governments.

Within the past 12 months, the mayor of Carson was indicted for extortion, along with two former City Council members and a former mayor. And this May, the L.A. County district attorney began an investigation into electoral fraud there.

Maria S. Chacon, a Mexican political leader who helped Bell Gardens become the first all-Latino local government in Southern California, was indicted in January for allegedly engineering her appointment as city manager while she still served on the City Council. The case collapsed before trial.

What's going on?

The demographics of each community have shifted dramatically. Immigration, particularly among Latinos, has changed the face of these communities; longtime Anglo residents moved out, leaving behind politically unsophisticated or uninvolved new residents. As the immigrant population grew, the number of eligible voters declined, leaving a lower percentage of the community invested in its politics.

Southeast Los Angeles County communities are now among the county's poorest. Their economic slide began in the 1970s and '80s, when factories began closing down and the area lost blue-collar jobs. Under-participation and poverty can inhibit citizen oversight.

According to the city clerk's offices in the L.A. County municipalities, their local officials had no term limits. Nonetheless some cities had experienced significant political turnover through recalls, resignations and musical chairs.

The lack of media coverage of local government contributes. Most small community newspapers have folded and LA County's metropolitan dailies don't maintain outlying bureaus. L.A. television stations don't even pay much attention to Los Angeles government; local politics elsewhere is largely ignored — until a scandal erupts.

Proposition 13 may have had an impact on municipal politics because it shifted money and power away from local government. Why run for office to "do good," when there's little money available with which to do it? Might that tilt the candidate-selection process toward politicians whose goal is to get *something else* out of public office?

And then there is the cost of running for office, which can be significant even in small, relatively poor communities. The pressure to raise campaign funds can weigh heavily on local candidates who don't have or don't represent wealth.

Law enforcement is influential, too. Steve Cooley, L.A. County's first-term D. A., seems more aggressive than his predecessors in pursuing municipal corruption. And San Diego's new U.S. attorney, Carol Lam, has focused on the strip-club scandal.

Economics, demographics, political culture and participation are keys to stable local government. What counts is that, in the midst of the current budget crises and unrelenting urban problems, corruption probes distract public officials and can destabilize governments.

A recent *San Diego Union-Tribune* editorial crystallized the potential harm: "The inescapable risk is that the investigation will rekindle the public's cynicism toward city government."

And the harmful cycle of civic disengagement and political corruption will persist.

Sherry Bebitch Jeffe is a senior scholar at USC's Schooly of Policy, Planning & Developement. Comments may be sent to **comments@Californiajournal.com.**

Who pays for jailing

Washington

On any given day, Charles Jackson has 4,000 prisoners in his five Los Angeles County jails who really shouldn't be there.

That's not because the jails are overcrowded, though they are. And it's not because Jackson, the county's chief of correctional services, doesn't have enough money to feed, clothe and house them, though he doesn't.

It's because those 4,000 prisoners don't belong in this country. They are among the many thousands of people who, while in the United States illegally, wind up behind U.S. bars after committing crimes.

Until these inmates are convicted and serve their time — or are deported — each state must pay the cost to keep them behind bars. In Los Angeles County last year, that cost came to about $90 million.

California pays millions every year to jail illegal immigrants who commit crimes in this country. The state thinks the federal government should pick up the tab, but President Bush is fighting to pay less.

By Dana Wilkie

For more than a decade, governors have argued that state and local taxpayers should not have to pay that cost. Those from states with large numbers of illegal aliens — such as like California, New York, Texas, Florida, Arizona and New Jersey — say it is the federal government's job to stop illegal immigration. If it fails, they argue, then it is also Washington's job to pay the costs for jailing those who become criminals.

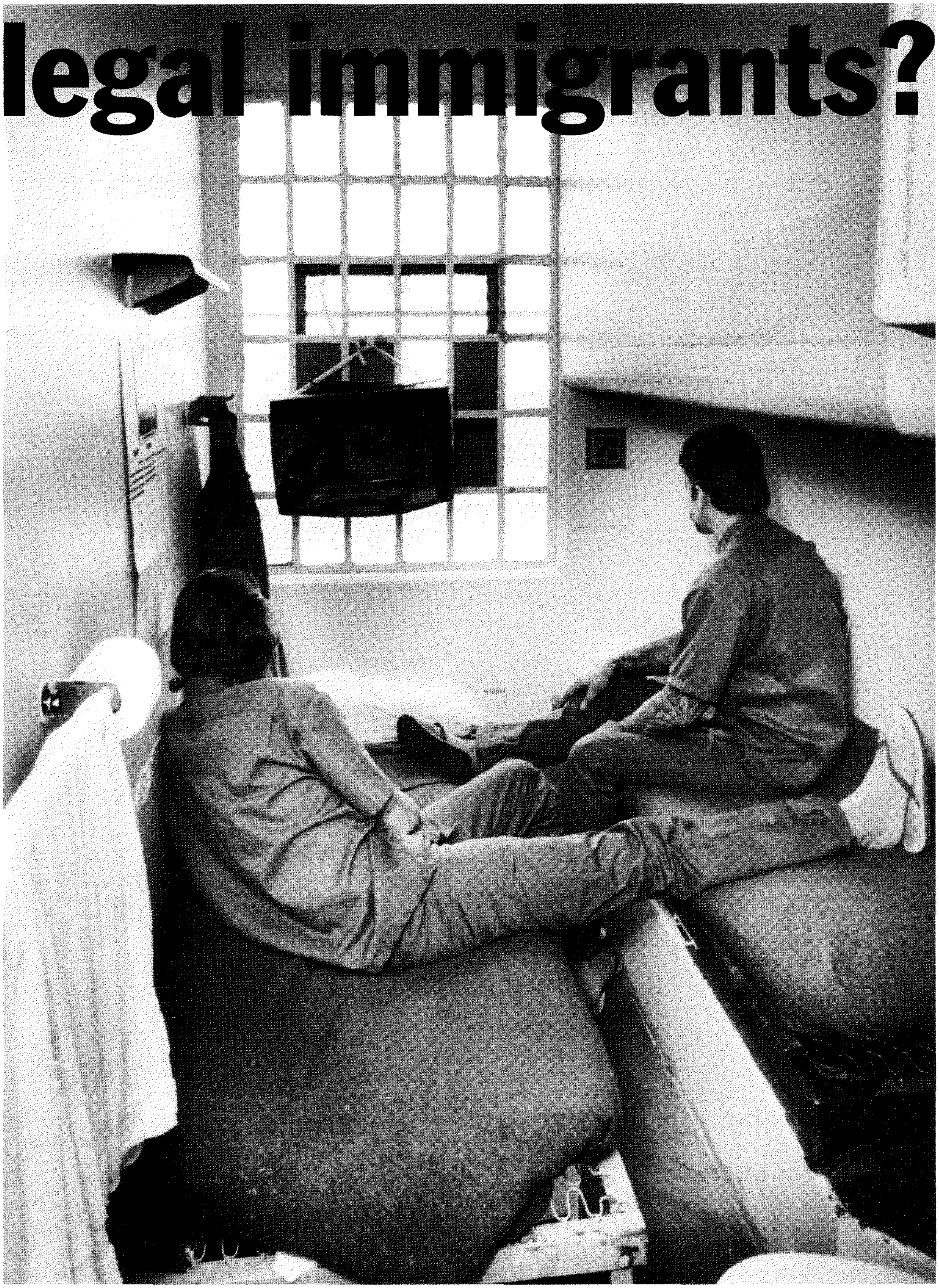
"The county of Los Angeles is not watching our borders or enforcing immigration laws," Jackson said. "This is a federal issue, but immigrants are coming across the borders pretty much unchecked, then committing crimes in our county."

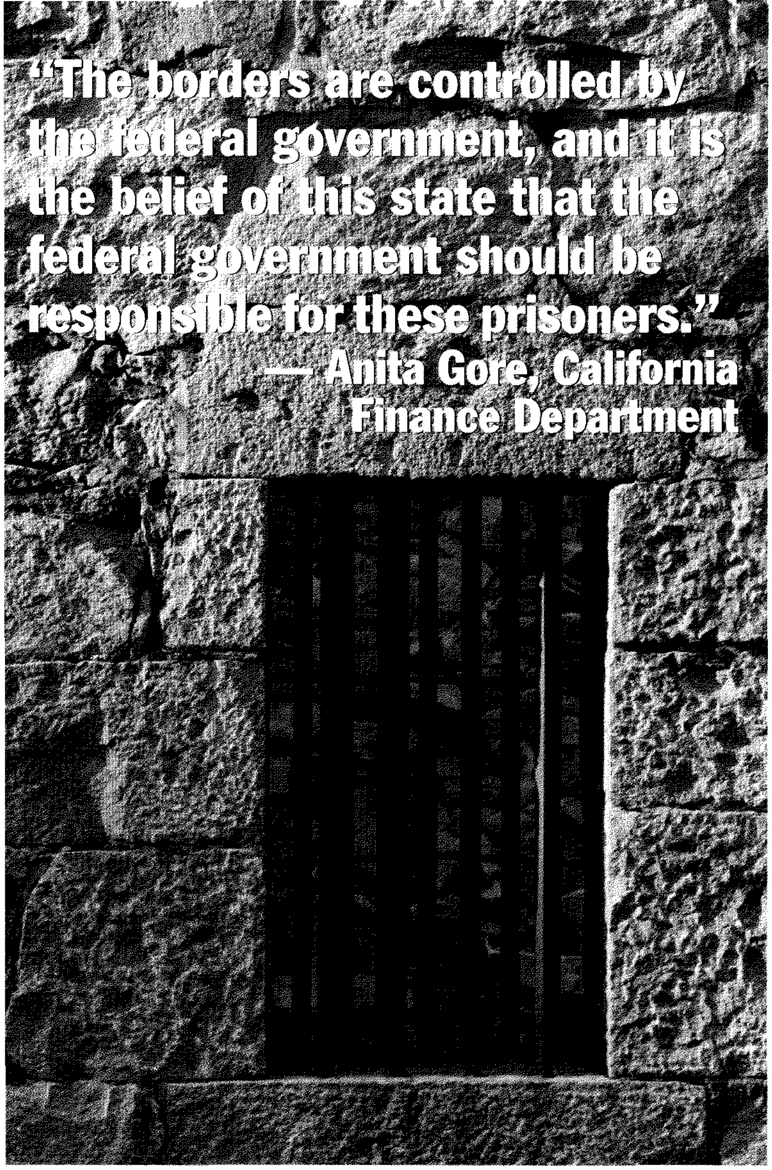
In 1994, Congress accepted at least partial responsibility for incarcerating illegal immigrants when it passed the State Criminal Alien Assistance Program (SCAAP), sending hundreds of millions of dollars to help pay state and local incarceration costs.

But now, President George Bush disagrees. In a sharp reversal from his days as the Texas governor who once took the U.S. to court on the matter, Bush has sharply cut the federal contribution, and he is fighting to close the program altogether. The issue has split the president from Southwestern members of his own party, who are now fighting to restore at least some of the funds in a budget bill pending before Congress.

Last year in Los Angeles County, where nearly one out of every four prisoners is an undocumented alien, the federal government's $34 million contribution covered just more than a third of the county's cost for illegal

illegal immigrants?





> "The borders are controlled by the federal government, and it is the belief of this state that the federal government should be responsible for these prisoners."
> — Anita Gore, California Finance Department

immigrant prisoners. The news for this year is worse: Though Jackson's cost for jailing aliens remains the same, he expects Washington to send him only $17 million.

The White House responds to these complaints through its Justice Department, which administers the SCAAP program. Justice officials say SCAAP money would be better spent enforcing immigration laws. Moreover, the department objects that the SCAAP program allows states to spend the money "for any lawful purpose," said Sheila Jerusalem, a spokeswoman for the department's Office of Justice Programs.

"You have these criminal justice funds that can be used for something as simple as planting flowers on median strips," Jerusalem said. "It makes more sense to the current administration to take these funds and funnel them toward increasing homeland security or securing the borders."

Congress enacted the State Criminal Alien Assistance Program in 1994, after state leaders repeatedly complained about the high cost of jailing illegal immigrants who committed any manner of crimes — from drunken driving to drug trafficking to murder. Nationally, illegal aliens make up 12.4 percent of the inmates in state prisons.

Under the program, Washington last year gave $565 million to cities and counties for their jail costs and to states for their prison costs. This year, states are sharing less than half that amount — just $250 million. Nationwide, however, states, counties and cities pay an estimated $1.5 billion to $2.5 billion each year to incarcerate illegal immigrants.

Perhaps no state feels the burden like California, home to an estimated 2.3 million of the nation's 5.8 million undocumented immigrants. Each year, California gets roughly 40 percent of Washington's SCAAP money. Last year, that came to $220.2 million. The majority — $143 million — went to house illegal immigrants who served time for their crimes in state prisons. Among counties, the top recipient was Los Angeles County, which got $34 million. Next was Orange County at $10.5 million and San Diego County at $5.3 million.

But this fiscal year, California counties will share only about $120 million to jail the 14,492 illegal-alien criminals expected to occupy the state's jails on any given day. California this year will spend closer to $574 million on the task.

"The borders are controlled by the federal government, and it is the belief of this state that the federal government should be responsible for these prisoners," said California State Finance Department spokeswoman Anita Gore.

Governor Gray Davis assumes in the coming year's budget — already an estimated $38 billion in the hole — that Washington will send $131 million to help jail the state's illegal aliens — slightly more than California received this year.

Not if Bush has his way.

In the budget plan he released earlier this year, Bush again proposed eliminating SCAAP, saying the program was among a number "that have completed their mission or failed to demonstrate a clear impact on crime."

Congressional budget-writers, who could approve Bush's plan or restore some or all of the money, probably won't agree on a figure until the final weeks of September, just before the start of the 2004 fiscal year.

In an April Senate hearing, Attorney General John Ashcroft acknowledged that border states rely heavily on SCAAP money and that the federal government needs "to do a better job" at preventing illegal immigrants from entering the country in the first place.

"The administration has sought to improve our performance at the borders to stop people from coming here illegally, and has focused its resources on doing that so as to diminish the need to have people who come here illegally incarcerated because they commit crimes," Ashcroft said. "We want to stop them before they get here."

The political irony is not lost on observers: When Democrats controlled the White House, Republican governors — among them California's Pete Wilson and Texas' then-Gov. Bush — complained loudly that Washington was shirking its responsibilities by failing to send enough money to jail undocumented immigrants.

"If the federal government cannot do its job of enforcing the borders...then it owes the states monies to pay for its failures," Bush said from the Texas Capitol in 1995. That same year, a federal district judge rejected a claim by Governor Bush's administration that Washington owed Texas $1.34 billion for educating, hospitalizing and jailing illegal immigrants.

"It's not fair to the taxpayers of Texas to stick them with the bill when the government fails to enforce immigration laws," then-gubernatorial press secretary Karen Hughes said.

Bush began changing his tune in 1999, during his campaign for the White House. In an interview with the *San Francisco Chronicle,* he said that reimbursing California for the billions it spends on services and education for illegal immigrants was "not a federal role." Later, he backtracked: He said he supported reimbursing states for jailing, educating and providing health care for illegal immigrants. He even suggested these reimbursements should in some cases be increased.

Now, faced with the hard realities of a federal budget deficit, Bush appears even less sympathetic to states' plights than was his Democratic predecessor. The position of the Bush White House is that jails and prisons have long been state and local responsibilities, and they should remain that way.

"There's been a general shift in priorities," said the Office of Justice Programs' Jerusalem, who suggested part of that shift was the result of the terrorist attacks of September 11, 2001. "Since we're already increasing our homeland security and security at our nation's borders, it makes more sense to put the funding at the front end of the problem."

Moreover, the Bush administration this year decided that cities and counties will get money to jail illegal aliens only if those aliens are actually convicted of crimes.

"We're totally against that," said Barry Zuniga, assistant sheriff in charge of San Diego County's Detention Services Bureau. "We're housing them whether they're convicted or not."

There are those who agree with Bush. Among them is Sidney Weintraub, a border expert with the Washington-based Center for Strategic and International Studies.

"People who come here illegally, once they're here... the state gets some benefit from them being here," Weintraub said. "They work, provide services, pay sales and other taxes. And once they are caught in crimes, they are not entirely the responsibility of the federal government."

There remains hope that Congress will restore at least some of the SCAAP money that Bush cut from his proposed 2004 budget.

In the Senate, powerful lawmakers from Southwest border states — notably California Democrat Dianne Feinstein and Arizona Republicans John McCain and Jon Kyl — are trying to convince budget writers to more than triple the amount of money Washington now spends on SCAAP. They want $750 million in the coming fiscal year.

In the House, California heavy hitters hope to pull strings as that chamber reshapes Bush's budget plan. Rep. David Dreier of Covina, leader of California's Republican congressional delegation, will likely have influence over the issue as chairman of the House Rules Committee. So will Rep. Jerry Lewis, the Redlands Republican on the House Appropriations Committee.

"The current year cuts in SCAAP come at a time when the state of California and its counties can ill afford to absorb losses of such magnitude," Dreier wrote to House budget writers in an April letter signed by all 53 of California's House members. "Without adequate SCAAP funding, jurisdictions will need to divert funds from other state and local crime control and prevention programs, as well as reduce funding for other essential public safety services."

Even if some of the money is restored, California lawmakers worry that four more years under President Bush will lead to even more chiseling of the SCAAP account.

Previous cuts in SCAAP have already caused obvious problems at California jails. While corrections officials have no choice but to jail illegal aliens who commit crimes, plenty of other priorities take a back seat.

In Monterey County — where fields of lettuce, broccoli and strawberries lure many illegal workers from south of the border — hospital bills for inmates and overtime bills for the deputies who watch them are going through the roof. That means no money this year for the rotting, termite-infested beams at one of the county jail buildings, or to fix the faulty heating system.

"I'm sure [Bush] has got bigger things on his mind than SCAAP," said Steve Deering, chief of the Monterey County Sheriff's Custody Operations Bureau. "But if his plan [to eliminate funding] goes through, I can see us literally deteriorating. I'm not sure we'll be able to find the money in our budget to keep [building maintenance] up."

Monterey County was among the state's top dozen recipients of SCAAP money last year. The region got $1.3 million, but that covers only about 40 cents of every dollar that Monterey and other California counties spend on the job of jailing illegal aliens.

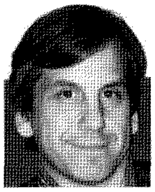
In Los Angeles County, Jackson's budget is so tight that he was forced last April to cut $17 million in expenses — precisely the amount he predicts he will lose this year in SCAAP funding. He is making ends meet, in part, by releasing some prisoners after they've served only half of their jail sentences.

"Our costs are rising and the flow of illegals to our county has not slowed down," Jackson said. "Bush is looking at a federal budget now, and I can understand that his priorities have changed. But that still leaves us in the lurch."

Dana Wilke is the Washington correspondent for Copley Newspapers. Comments may be sent to **comments@californiajournal.com.**

Recall mania

by Marc Sandalow



Students of politics are looking West and once again wondering whether Californians are innovative or insane. The state that gave the nation a movie star president, the Grateful Dead and smoke-free bars is now threatening to recall its sitting governor without a whiff of scandal and less than a year after he was re-elected.

Outside observers can't be sure if they are watching a wave of the future or another episode of Golden State follies. Will recall fever sweep statehouses from Carson City to Columbus, or sputter as it crosses the Sierra?

"It's the quintessential California question," said Cragg Hines, a veteran political writer for the *Houston Chronicle* who has found the state an endless source for column material. "Is this crazy or is this the leading edge?"

A dispatch from Los Angeles on the front page of *The Washington Post* in June served as a wake-up call to the nation's political intelligentsia, who now understand that California may spend an off-election year embroiled in one of its most raucous campaigns ever.

> "Politics is a cottage industry in Washington, and this is the ultimate parlor game for D.C. policy wonks."
> — Rep. Ellen Tauscher

By now, hundreds of reports from Nova Scotia to New Zealand have chronicled California's gubernatorial intrigue, frequently accompanied by a picture of the state's most recognizable political player ... Arnold Schwarzenneger.

At this point, it is not clear if the recall will qualify for the ballot, though supporters are well on their way toward collecting the roughly 900,000 signatures they need by Sept. 2.

"It's like watching a slow moving car crash," said Rep. Ellen Tauscher (D-Walnut Creek). "Politics is a cottage industry in Washington, and this is the ultimate parlor game for D.C. policy wonks."

After all, if Davis goes down, the dominoes could fall all the way from Sacramento to Capitol Hill. What happens if Senator Dianne Feinstein steps in as a Democratic peacemaker, to clear the field and assume the job she's long wanted? Were Feinstein to become governor, she would appoint her own replacement in Washington. Would Feinstein turn to Lieutenant Governor Cruz Bustamante? What about her good friend Tauscher or Rep. Jane Harman (D-Rancho Palos Verdes)?

Don't ask, says Feinstein, who knows that talk of replacing Davis from a Democrat evokes about the same response as giggling at a funeral.

"The recall makes California look terrible," Feinstein said, quick to condemn the idea but slow to rule out the possibility that she might wind up on the ballot. "I believe very strongly it is a terrible mistake."

She is concerned, among other things, that the turmoil will prompt New York bond houses to lower the state's credit rating, costing taxpayers millions of dollars in interest payments. "Just when people are looking for stability, it creates instability," she said.

While some look to California for chuckles, others see the future. Eighteen states have provisions for recall, and there is nothing to stop the other 32 from joining the fun.

"No doubt about it," said Dane Waters, president of the Initiatives and Referendum Institute, a nonpartisan and nonprofit think tank that studies such things. "Proposition 13 reinvigorated the initiative process. If the recall does happen, or if it even gets on the ballot, it will energize the recall movement across the country. It will wake people up to this method of checking their leaders."

Not everyone agrees. Some see the shaky California economy, the energy crisis, the tepid support for Davis among Democrats and the desperation of wealthy Republicans as a perfect political storm that is not likely to be replicated.

"Recall elections are usually pretty localized and idiosyncratic," said Thomas Cronin, president of Whitman College in Walla Walla, Wash., and the author of "Direct Democracy: The Politics of Initiative, Referendum & Recall."

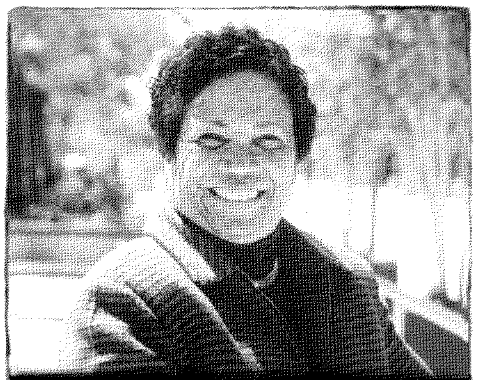
Recalls are hard to come by. Arizonans were moving to recall Governor Evan Mecham before he was impeached in 1988. North Dakota Governor Lynn Frazier was the last governor recalled, coming in the midst of an agricultural depression. Frazier would return to politics and serve 17 years in the U.S. Senate.

"Nobody knows what to think of the recall here," Harman said from Washington on a recent afternoon before racing off to catch a plane. "It's like a grade B movie."

Of course Washington's airport is named after a grade B actor: Ronald Reagan.

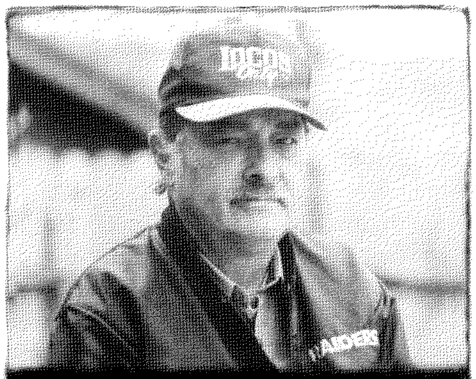
Marc Sandalow is Washington bureau chief for the San Francisco Chronicle. *Comments may be sent to* **comments@Californiajournal.com.**

the 2003 Champions OF HEALTH PROFESSIONS DIVERSITY Award



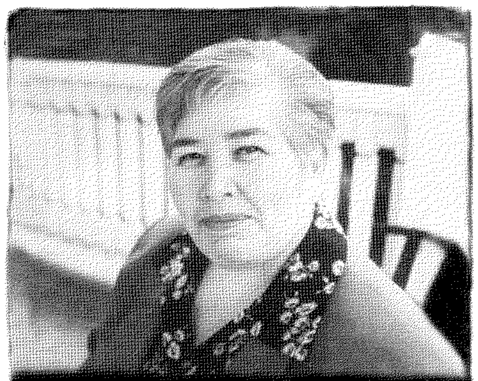
Linda Burnes Bolton, Dr. P.H., R.N., F.A.A.N.

"The number-one problem is not getting people admitted. It is getting them out of school. The attrition rate in nursing school is horrible – about 55 percent. We need to provide the mentorship and support to ensure that the health professions are representative of the U.S. population."



Bob Montoya, M.D., M.P.H.

"Training more minority doctors is cost-effective to improve health and cut costs. Minority medical students are 4 to 7 times more likely to practice in shortage areas where 7 million Californians, overwhelmingly minorities, live. They often get inadequate, late or costly care in emergency rooms and hospitals."



Pilar De La Cruz-Reyes, R.N., M.S.N.

" 'Si, se puede' means 'Yes, you can.' I believe in that message. A lot of people think, 'I can't do that' or 'what if I fail?' To them I say, 'Don't be afraid to risk. Don't let any barriers hold you back. Live out your dream.' "

Promoting health and wellness . . .

The California Wellness Foundation is proud to recognize its 2003 Champions of Health Professions Diversity Award honorees. Each will receive a $25,000 grant, as an acknowledgment of their commitment to increasing diversity in the health professions.

While more than 50 percent of Californians are from communities of color, only ten percent of physicians are. Physicians and other health care professionals of color are more likely to work in communities that have difficulty accessing care. Diversifying California's health workforce is an important strategy to address the worsening crisis of access to health care. Each of these pioneering awardees overcame significant barriers to become a distinguished health professional. But that was only a start. Frustrated by the low numbers of students from underserved communities entering health care professions, they began mentoring, teaching and training programs to change the status quo.

The California Wellness Foundation recognizes these Champions for their contributions to improving the health of underserved communities. To learn more about their work and the Foundation, visit **www.tcwf.org**.

The California Wellness Foundation
Grantmaking for a Healthier California

6320 Canoga Avenue, Suite 1700, Woodland Hills, CA 91367

Budget meltd

As the story goes, that light at the end of the tunnel that Democrats hoped would be a budget resolution turned out to be an oncoming train.

When June began, lawmakers were still cautiously optimistic that the budget proposal Governor Gray Davis issued in mid-May would be sufficient to get eight Republican votes, the minimum they need to reach the required two-thirds majority. That would have been a tremendous relief. To resolve the all-time record deficit of $38.2 billion before the June 15 constitutional deadline would be a major boost for Davis and the Democratic leadership. It would calm the Wall Street bankers threatening to discredit California even further. And most of all, it would be a serious blow to Republican hopes of recalling the governor.

On June 4, however, the sound of a distant train was heard.

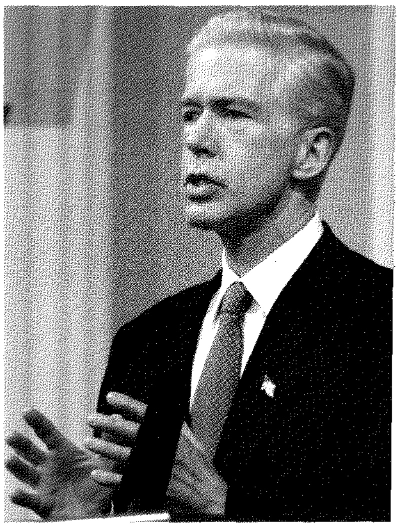
Senate Republican Leader Jim Brulte (R-Rancho Cucamonga) told a closed-door meeting of the Senate and Assembly GOP caucuses that he would personally raise money and campaign against the re-election of any member who voted in favor of a tax increase. To underscore the message, he showed an anti-tax television commercial, suggesting that it might be broadcast in the district of any wayward Republicans.

At that point, insiders still had not identified eight potential swing-vote Republicans. But Brulte's pledge froze any head counting. Over the next weeks, the outlook for a budget resolution grew considerably dimmer and the prospects for a ballot measure to recall the governor grew all but certain.

Recall proponents claimed more than 600,000 signatures in mid-June, about two thirds of what they need by September to qualify for the ballot. Conventional wisdom in Sacramento seemed to shift from whether the recall would qualify for the ballot at all to whether the recall election would be held in the fall 2003 or in the spring of 2004.

Davis responded by stepping up his public relations effort and going on the offensive against Republicans. When the June 15 deadline for a budget arrived on a Sunday — Fathers' Day — the governor invited television cameras into his office to show that he was working through the weekend even while lawmakers had gone home. In a series of radio talk show interviews, he also blamed Brulte for the budget problems.

"Well, two weeks ago, I thought we were on the verge of an arrangement, that we were very, very close," Davis told a San Francisco radio station. "And then, Republican leader Jim Brulte went around telling colleagues if they even considered voting for revenue increases —even if it was to save higher education, or K-12, or public safety — that he would personally campaign against them in their district. That had a chilling effect on negotiations, and so we've taken a step back here."



Brulte's thorny response displayed the widening gap between key negotiators and the increasing partisan hostility. "We've got a $1,000 reward for anybody that can find any evidence that a budget deal was imminent," Brulte said in an interview. "This is a guy who spent his entire governorship blaming someone else for problems he's created."

Negotiations toward a budget resolution also appeared chaotic. In the Legislature, the Senate and Assembly passed placeholder budget bills that were sent to a conference committee for resolution. But lawmakers went home and the committee didn't even meet for the three days before the June 15 deadline. Meanwhile, Davis called periodic meetings of the "Big 5," including the governor and party leaders from both houses. But the talks were going nowhere. At the June 11 meeting, Senate President pro Tem John Burton (D-San Francisco) stormed out after yelling so loud that he could be heard in a hallway. Burton's anger was reportedly caused by the governor's order to cut benefits for the aged, blind and disabled.

The upshot is that budget talks made little progress in the month since Davis outlined his "May Revise." In that document, the governor covered the deficit with more than $17 billion in loans, about $8 billion in new taxes and $19 billion in spending cuts. The loans allowed the governor to restore some of the most controversial cuts he proposed in January. But Republicans objected to a temporary half-cent sales tax the governor wanted to pay off

own

$10.7 billion in bonds that would be sold to cover the debt. Davis also proposed an increase in income taxes on the wealthy and a higher cigarette tax.

In a bit of good news, the federal tax-cut bill that President Bush signed in late May included $20 billion to resolve state budget deficits, about $2.4 billion of which was directed to California. Democrats quickly proposed that the money be used to restore some of the cuts they had accepted earlier, angering Republicans.

The state also dodged a bullet when it sold $11 billion in short-term bonds on June 11. The bond sale was necessary to cover a cash-flow shortage that would otherwise leave the state without funds to continue its operations. Finance officials had worried the shaky budget situation could jeopardize the bond sale. The June sale guarantees the government will have money to operate through September, when officials expect a new budget will be in place.

Gloomy outlooks were increasingly popular, though.

Even after the June 15 deadline was missed, Davis continued to insist that a budget could be adopted before the new fiscal year began on July 1. But Sacramento banks were already advertising no-interest loans for state employees who might lose their paychecks if the deadline is missed. And Capitol pessimists were predicting a total government shutdown — freezing any budget resolution until after a possible recall is settled in the fall. In that case, the state could face bankruptcy in September if it is unable to sell another series of short-term bonds to cover its cash-flow.

"It is obvious to me that we don't have a fiscal problem," a frustrated Assembly Speaker Herb Wesson (D-Los Angeles) told reporters in mid-June. "We have a political problem." 🏛

— David Lesher

"Like most Californians, Assembly Democrats are mad as hell that Sunday's budget deadline will not be met — and Republicans must shoulder the blame."
Assembly Speaker Herb Wesson (D-Los Angeles), 6/13

"It has turned into a political crisis that has implications for a meltdown."
Assemblyman Mark Ridley-Thomas (D-Los Angeles)

"These meetings are like playing an accordion. Sometimes we are close together, and sometimes we seem far apart. If you were to ask me if today did we get closer together, the answer is no."
Governor Gray Davis, 6/11

"The town is totally dysfunctional at this point. There is a sense that the wheels are coming off."
Democratic political consultant Darry Sragow.

"Mr. Davis has both eyes on this recall. He is a myopic manager by his own admission. Is it a distraction for him? Yes."
Assembly Republican leader Dave Cox (R-Fair Oaks)

"Prayer."
Senate President Pro Tem John Burton (D-San Francisco), asked what's needed to resolve the budget.

"I let people know that I feel so strongly about this that I might actually do something I normally don't do, which is argue against the election of an incumbent Republican."
Senate Republican Leader Jim Brulte (R-Rancho Cucamonga)

Source: Los Angeles Times, Sacramento Bee, San Jose Mercury News, San Diego Union-Tribune

ANY BETTER IDEAS OUT THERE?

The governor's plan, which would raise taxes or fees on sales, income and vehicles, is unpopular. But not many other ideas are more appealing to Californians.

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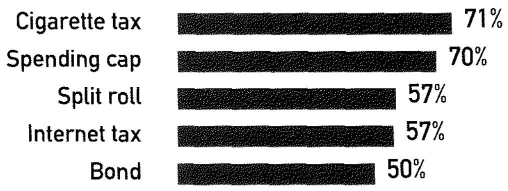

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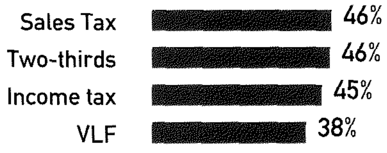
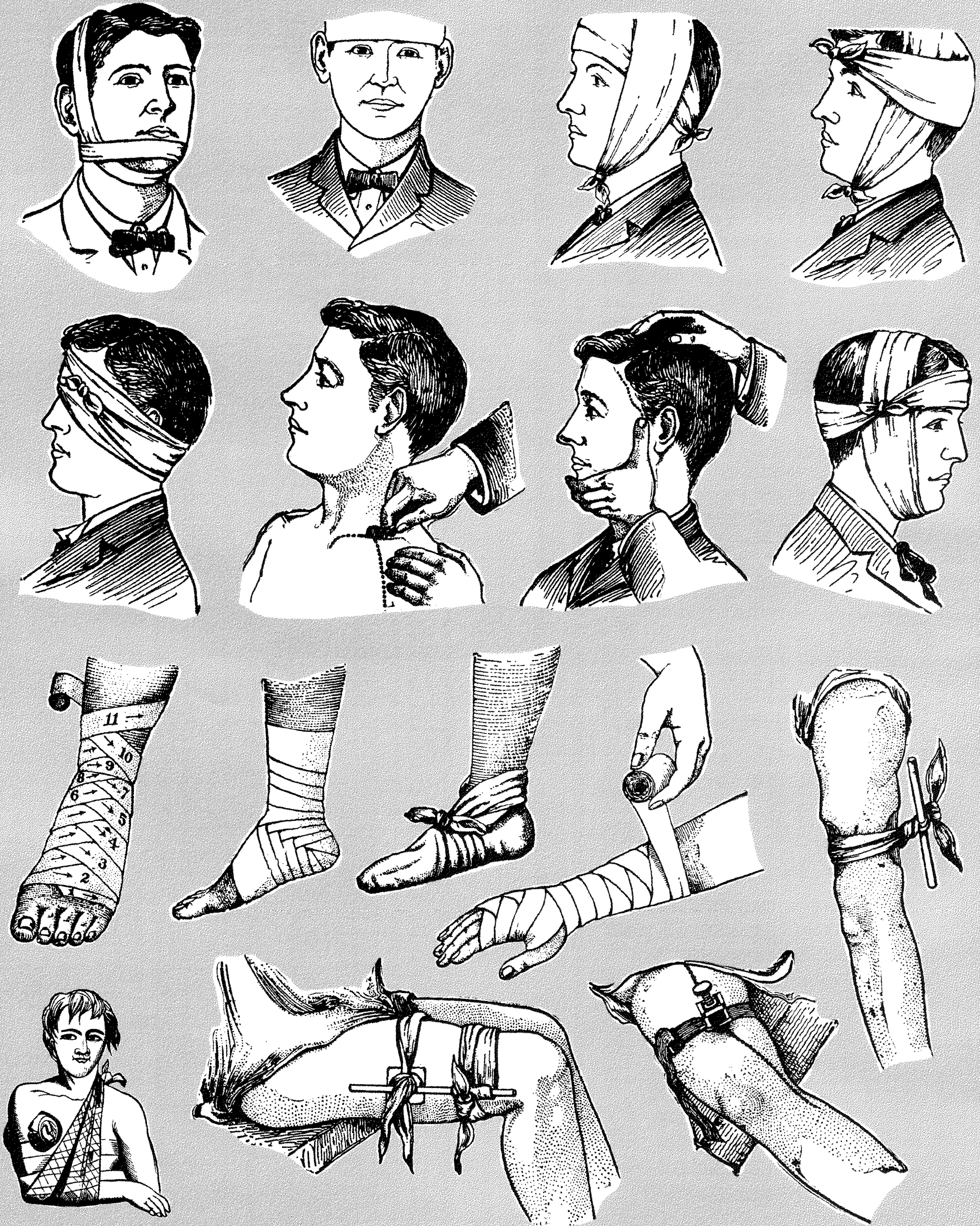


Cigarette tax: Raise excise tax on cigarettes from 87 cents to $1.50 per pack.
Spending cap: A limit on the amount government could spend each year.
Split roll: Remove Proposition 13 limits for commercial property taxes, not residential.
Internet tax: Taxing all goods sold over the Internet.
Bond: A $10.7 billion bond for debt reduction would be repaid with a half-cent sales tax hike.

Sales tax: Half-cent increase.
Two-thirds: Legislature could pass budget with 55% of vote instead of current two-thirds requirement.
Income tax: Top tax rate increases to 10.3% for individuals earning over $150,000 and joint returns over $300,000.
VLF: Reinstating the vehicle license fee that was recently reduced.

The Public Policy Institute of California Statewide Survey, directed by Mark Baldassare, contacted 2,003 California adults 5/22-6/1. Its sample error is +/-2%.

PPIC STATEWIDE SURVEY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Struggling to fix workers' comp

Business complaints about California's workers' compensation system have never been louder. And with costs soaring, legislators from both parties have crafted bills to fix the workers' comp system in California. What went wrong?

By Stephen Robitaille

When California launched its workers' compensation program 90 years ago, supporters viewed it as a way for workers injured on the job to get a fair deal — a "no-fault" system that covered employee medical and living expenses, while workers and employers agreed to forgo costly legal wrangles.

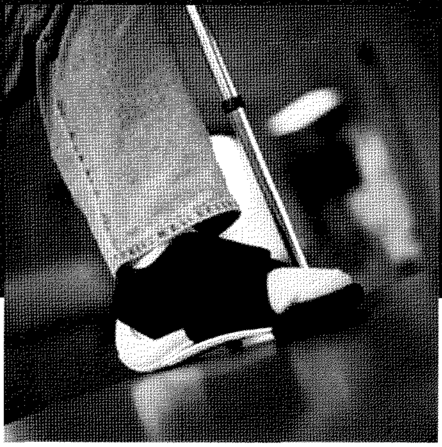
Today, the system — marred by a Byzantine organizational structure and seemingly intractable bureaucratic and legal warfare at every juncture — faces a staggering solvency crisis, with some of the highest insurance costs to employers in the nation and some of the lowest payments to injured workers.

The crisis in workers' comp is acknowledged by politicians in both parties, many of whom have authored legislation this session that would attempt to fix the system. It's a response to the complaints of a broad cross section of employers — from small businesses to large corporations and even local governments.

Participants say this meltdown, coming only 10 years after passage of a legislative reform package that was supposed to fix the system for good, proves that there is no shortage of fault to be dished out over the way workers' comp is run in California.

"I think it's critical that we get comprehensive reform," said Assemblyman Keith Richman (R-Northridge) author of four of the more than 50 bills this year that sought to tackle workers' comp reform. "I'm concerned that the reform that comes out may be just nipping around the edges of the system and will not be the kind of real reform that is needed, and I think that would be a tragedy for the state of California."

The state workers' compensation program provides services to roughly 14 million Californians, with some 1 million claims filed each year. Under state law, employers must either purchase coverage or put together self-funded coverage. The system originally was designed to hold down costs through universal agreement upon medical services and benefits payments to injured workers, with a system-run appeals board that would eliminate the need for costly litigation.



> **"Employers, both public and private, in California, cannot sustain the cost increases in coverage without laying off workers, reducing operations, or being forced out of the state."**
>
> **— John Garamendi**

Over the decades, however, the system has evolved into what state Insurance Commissioner John Garamendi described as "complex, contorted and confusing," with muscular special interest groups protecting their turf — and cash flow — while the state Legislature has avoided making the politically difficult reforms needed to fix the workers' comp organizational structure.

"With workers' comp, you have what is known as a case with a long tail. If you get hurt today, you could collect benefits for the rest of your life. Then you add to that the incredible increases in [benefits] costs, litigation and medical costs in recent years, and you have a system that is headed for disaster," said Garamendi.

"This means that employers, both public and private, in California, cannot sustain the cost increases in coverage without laying off workers, reducing operations or being forced out of the state," Garamendi said.

Numbers tell the story

The system's burgeoning costs to employers are linked directly to the number of workers on their payroll, as each employee must, under law, be covered. This is hurting the state's fragile economy at a time when it can least withstand more punishment, according to a wide range of system observers.

Between 2000 and 2002, the total cost of workers' comp insurance to employers statewide jumped 69 percent, with businesses paying some $6.3 billion more for coverage last year than they did just two years ago. The total cost of workers' comp this year, originally estimated at $15 billion, could conceivably hit $17 billion by year's end, according to estimates from the state Assembly Insurance Committee.

Where employers statewide paid an average of $1.60 to $1.90 per $100 of salary in the mid-1990s, costs are now at $6 per $100 and still rising. For some high-risk businesses, the cost is far higher.

Roofing is one of those high-risk businesses. LeEllen Williams, managing director of the Roofing Contractors Association of Southern California, said that some members are paying as much as $100 per $100 of salary for workers comp insurance.

"We have the highest rates to begin with — we are even above circus performers," said Williams. "Members really have no way to pass on the increase. It is a tax on business, and this is a business where the residential contractor is hit very hard."

Roofers are not alone. Richman related a recent meeting with representatives of May Department Stores, a national retailer, who told him that their cost per store for workers' comp coverage in California was roughly $242,000 per year. The next closest state was New York, at $70,000 per year.

While the costs to employers have jumped, California pays its injured workers $602 per week, which places it 40th among the 50 states. Before the Legislature approved an increase that went into effect this year, California was in 49th place.

"This provided some moderate and vastly long overdue increases in coverage," said Art Pulaski, executive secretary-treasurer of the California Labor Federation, AFL-CIO. "Workers' comp was designed because people are injured by their jobs; sometimes temporarily, and sometimes in massive amounts. We have a responsibility to take care of these people."

Deregulation the culprit?

The causes of the current crisis, say those who follow the system, includes insurance rate deregulation from the 1993 reform package and a medical care system that lacks price and utilization controls.

Prior to 1993, the state set minimum rate levels for those insurance companies that offered workers' comp in California. However, in an era which included the deregulation of the state's energy industry, the Legislature and then-Governor Pete Wilson crafted a reform package that removed rate controls.

Rates dropped from roughly $4 per $100 of salaries to less than $2 per

$100, as insurers fought for market share and backfilled their losses in workers' comp with stock market investments and profitable insurance products in other areas.

State insurance regulators, happy with the dropping premiums, did not ensure that the companies had sufficient reserves to cover potential payout responsibilities, said Garamendi, insurers' trade associations and Legislative staffers.

In addition, anti-fraud components of the reform package, after a few years of rigorous enforcement, also were relaxed. Today, workers' comp fraud is seen as a major drain of system dollars. And the fraud exists on every level — employees faking injuries; medical providers prescribing unnecessary treatments; attorneys arguing for permanent disabilities where none exist; and employers failing to provide coverage or misrepresenting employee categories to lower their premiums.

It's not only the fraud; it's also the economy. The combination of the recession, the bursting of the stock market's tech bubble and the September 11, 2001, terrorist attacks forced more than two dozen insurers into bankruptcy or out of California. That leaves, ironically, the state of California as one of the biggest remaining players. The State Compensation Insurance Fund, the insurer of last resort, controls 55 percent of the market, and the California Insurance Guarantee Association, which covers workers' comp costs of insolvent businesses, has another 20 percent.

In addition, the insurers still standing had to face the fact that to stay in business, they would have to charge real-world market rates. And the costs of workers' comp statewide had been steadily rising all through the go-go '90s.

Statistics from the Workers' Compensation Insurance Rating Bureau of California show that average medical costs on workers' comp claims have risen about four times faster than that of general medical inflation. At more than $31,000 in medical costs per claim, for those claims that includes time lost from work, California also has some of the nation's highest per-case benefits.

One of the reasons for this, according to studies by the nonprofit Workers' Compensation Research Institute, is that California has relatively high benefits administration and vocational rehabilitation costs, which provide re-training for injured workers.

Steep administration costs are the hallmarks of a system that thrives on contentiousness, say participants. Employees and employers fight over the severity of injuries and whether they are permanent. Attorneys for employees seeking benefits get a percentage of all permanent disability awards but not temporary disability payments, which creates incentives to seek permanent awards. Medical providers and insurers argue over the cost of treatments and whether they are covered by workers' comp in the first place. And every decision is open to appeal.

System reformers cite the convoluted bureaucracy the state's high utilization of chiropractors and physical therapists, and outpatient surgical centers for operations, as areas that need to have costs reduced. Currently, there are fee schedules in place for physicians and hospitals, but not for chiropractors, physical therapists and outpatient surgical centers. Nor are there limits on length of treatment.

In addition, some reformers have called for a prohibition on physicians who have a financial interest in a surgery center from referring workers' comp patients to those centers.

Not surprisingly, these proposed reforms, which have resurfaced in varying combinations in recent years, have led to spirited political battles involving physicians, chiropractors, physical therapists, insurers, organized labor and attorneys. The upshot, say reformers, has been lots of talk but little action.

"We need to just stop the hemorrhaging right now. We need to get predictability back into the system," said Michael Mattoch, chief consultant with the Assembly Insurance Committee. "Until we get more insurance investment capital flowing back into the state, we're trying to stabilize rates, control costs, so that within one to two years rates will go down gradually."

Stephen Robitaille is a freelance writer on health care issues in the Bay Area. Comments may be sent to **comments@californiajournal.com.**

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Lobbying:

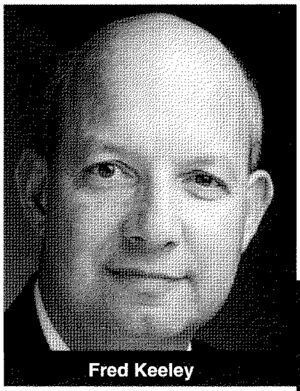
Aroner's return

When former Assm. **Dion Aroner** (D-Berkeley) was termed out last year, she intended to run for SD 9, which is currently held by Don Perata. Aroner and other Democrats thought Perata would be termed out in 2004, but Perata had other ideas — he contends he has another term left and has a legal opinion from his buddy (and ex-boss) Atty. Gen. Bill Lockyer that backs him up. So, rather than wait out the legal squabbling that's likely to come over the seat, Aroner instead started a lobbying firm called AJE Partners with her former district director, **Elisabeth Jewel**. Initially, Aroner will confine her lobbying to the Davis administration and state agencies because by law, Aroner can't lobby her former peers in the Assembly or Senate for a year after leaving office. There's no such restriction for staff, so Jewel will work with the Legislature. The firm is likely to cater to progressive clients, says Jewel, which fits with the former lawmaker's liberal track record in the Assembly. "We're doing the same work we used to do, but now we charge," says Jewel.

Dion Aroner

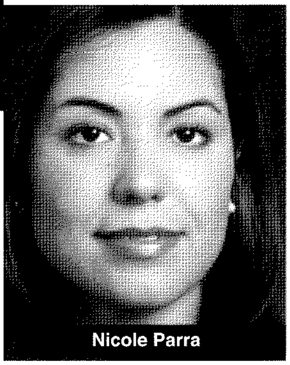
Campaign Watch

Gov. Gray Davis' longtime campaign adviser, **Garry South**, has signed on with the presidential campaign of U.S. Sen. **Joe Lieberman**. South will remain in Los Angeles and work on Lieberman's California campaign. Davis supporters started a committee to fight the recall effort. The committee, called Taxpayers Against the Recall, will be led by Davis campaign loyalist **Steve Smith**, who is taking a leave of absence from his job as acting secretary of the Labor and Workforce Development Agency. Other Davis friends got behind the effort including: **Miguel Contreras**, leader of the LA County Federation of Labor; **Mary Bergan** of the CA Federation of Teachers; **Fred Keeley**, of the Planning and Conservation League; and the Rev. **Cecil Murray**, pastor of the First AME Church in LA. ... White House media affairs director **Nicole Devenish** has been tapped to head the communications effort for President Bush's 2004 reelection campaign. Devenish was formerly an aide to Sen. Jim Brulte. ... Three Republicans are squaring off for the 37 AD seat, currently held by Assm. Tony Strickland. Strickland's wife, **Audra Strickland**, is running, along with Ventura County dep. DA **Jeff Gorell** and former Tom McClintock district representative **Mike Robinson**.

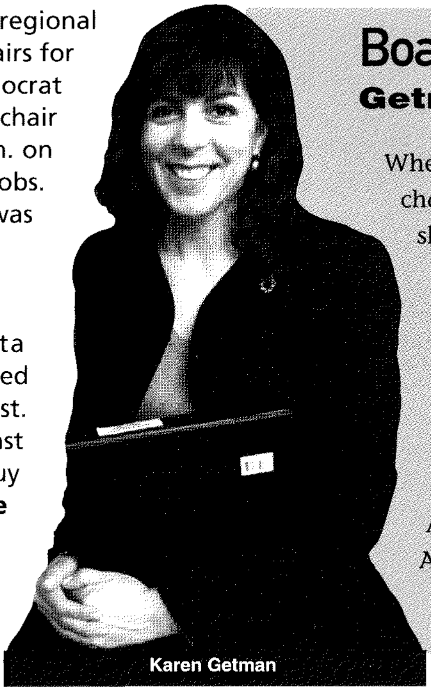

Fred Keeley

Government

While Davis loyalist **Steve Smith** fights the recall effort, the governor named **Herb Schultz** as acting secretary of the Labor and Workforce Development Agency in his stead. Shultz was undersecretary in the agency before the promotion. He'll make $108,540 a year. ... The governor also appointed **Michael Spear** as interim director of the Dept. of Water Resources. Spear will make $107,291 in his new post. ... Bd. of Equalization chair Carole Migden added **Steven Kamp** to her staff. Kamp also served on the staffs of board members John Chiang and Brad Sherman and previously was chief consultant to the Assm. Rev. and Tax Comm. in the '90s. ... Republican Bd. of Equalization member Bill Leonard also added to his staff, hiring **Tim Treichelt** as tax


Nicole Parra

counsel. Treichelt was formerly regional manager of governmental affairs for Georgia Pacific Corp. ... Democrat Assm. **Nicole Parra** was named chair of the new Assm. Select Comm. on National Defense Tech. and Jobs. Republican **Kevin McCarthy** was named vice-chair.


Karen Getman

Board work:

Getman stays busy

When Karen Getman left her job as chair of the FPPC earlier this year, she returned to private practice, taking a job with uber-Democratic law firm Remcho, Johansen and Purcell. That gig, apparently, doesn't keep Getman busy enough so Gov. Gray Davis came to the rescue and appointed Getman to the Alcoholic Beverages Control Appeals Board, where she'll make $25,000 a year.

Lobbying and PR

Former Contra Costa Supervisor **Donna Gerber** joined the CA Nurses Assn. as a lobbyist. Gerber ran for the Assembly last year and lost to Republican Guy Houston in AD 15. ... **Nolice Edwards**, former dep. legislative secretary in the Davis administration, joined lobby firm Aaron L. Read & Assoc. Edwards was also chief of staff to Assms. Carl Washington and Diane Martinez. ... **Tanya Gulesserian**, formerly of the Enviornmental Defense Ctr., joined lobby firm Adams, Broadwell, Joseph & Cardozo. ... **Richard Mason** registered to lobby for the Regional Council of Rural Counties. Mason was formerly with Pacific Telesis Group. ... **Dominick Spatafora**, formerly with the Arizona Bd. of Medical Examiners, registered as a lobbyist for the CA Psychological Assn. ... The Automotive Service Councils of CA got a new lobbyist in **Jennifer Zins**, who was previously with the Pharmaceutical Research and Manufacturers of America. ... **Roberta Larson** joined lobby firm Somach, Simmons & Dunn. Larson previously worked for Michael F. Dillon and Assoc. ... CA District Attorneys Assn. named **David LaBahn** executive director. LaBahn, whose been running the organization in an interim capacity, is a former dep. DA in Humboldt County. ... The CA Assn. of Health Plans named **Steven Tough** as its new CEO. Tough was a self-employed consultant. Previously, Tough was COO at Foundation Health Corp. ... Public affairs organization The **Dewey Share Group** bought direct marketing firm The Share Group. Other partners include Trautman Wasserman & Co. and Meadowbrook Lane Capital.

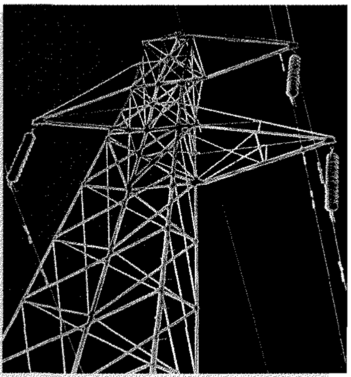
Donna Gerber

Other

Fresno Bee Capitol bureau chief **Lesli Maxwell** moved over to sister paper, *The Sacramento Bee*, where she'll cover higher education. ... *San Francisco Chronicle* Capitol bureau chief **Greg Lucas** is on leave until September. Filling in for Lucas is *Chronicle* business reporter **Christian Berthelsen**. Berthelsen is the son of John Berthelsen, a former *Bee* reporter who now works in the Assembly. ... The University of CA BD. of Regents hired **Robert C. Dynes** to be the new president of UC system. For the last seven years Dynes has been chancellor at UC San Diego. ... Gov. Davis reappointed two to the Bd. of Prison Terms — **Sharon Lawin**, former executive director of the LA County Professional Peace Officers Assn. and **Leonard Munoz** of the LAPD. Both will make $94,946 a year. ... The governor also reappointed **Stephen Brackett**, former Santa Monica PD sergeant, to the Youthful Offender Parole Bd. where Brackett will make $96,946. ... The governor appointed **Ruth Forney**, of Suisun City, to the Solano County Bd. of Supervisors' 5th District. Forney, who works for the Solano County Health and Social Services Dept. and is president of SEIU, Local 1280, will make $73,922 a year. ... **Alex Traverso** has left the governor's press office and taken a job as public relations manager for Cal Expo and the state fair.

Who's fillling what jobs in your office? Drop us a line at **people@statenet.com.**

Energy deregulation, again



June 6 was the deadline for Assembly and Senate bills to pass or die in the house of origin before being passed on to the other house. So in the week before, lawmakers endured marathon floor sessions in which they scurried to get their bills heard and passed (they hoped). Three bills that were heard, and passed, had to do with energy. The biggie — Sen. Joe Dunn's (D-Santa Ana) SB 888 — passed out of the Senate 21-16. The measure, originally intended to repeal all aspects of 1996's landmark energy deregulation legislation, had to undergo major surgery to get out (including reinstituting "direct access" for big consumers of power) of the Senate. For its part, the Assembly passed two energy bills. Both bills — AB 428, by Assm. Keith Richman (R-Northridge) and AB 816 by Assm. Sarah Reyes (D-Fresno) — would also allow businesses and retail customers to buy electricity directly from power generators and bypass utilities. While lawmakers abstained from both Assembly bills in droves (19 didn't vote on Reyes' bill and 13 didn't vote on Richman's bill), both passed nearly unanimously among those who participated. The energy bills were only three of hundreds of bills to make it out in time. Here's a look at others.

Senate

SB 1 (Speier) Privacy: Prohibits financial institutions from sharing or selling a consumer's nonpublic information without obtaining the consumer's consent. Passed 23-6.

SB 12 (Bowen) Spam: Prohibits the sending of unsolicited commercial email, or spam, from California or to a California e-mail address. Would allow recipients to sue senders for $500 for each unwanted email. Passed 21-12.

SB 27 (Figueroa) Direct Marketing: Requires businesses that disclose consumers' personal information for direct marketing purposes to provide to customers, upon request, written description of the sources and recipients of that information and copies of the information disclosed. Passed 26-13.

SB 103 (Alpert) Net taxes: Authorizes the collection of sales tax revenue from Internet retailers who own property or have another physical presence in California. Passed 23-15.

SB 114 (Torlakson) Incentives: Bars cities from using financial incentives to attract car dealers or stores larger that 75,000 square feet that are in

SENATE (25 D, 15R)	SB 1	SB 12	SB 27	SB 103	SB 114	SB 157	SB 582	SB 677		SB 1	SB 12	SB 27	SB 103	SB 114	SB 157	SB 582	SB 677
Aanestad (R)	*	Y	Y	N	N	Y	N	N	Knight (R)	*	N	N	N	N	N	N	N
Ackerman (R)	N	N	N	N	N	N	N	N	Kuehl (D)	Y	Y	Y	Y	Y	Y	Y	Y
Alarcon (D)	Y	*	Y	Y	Y	Y	Y	Y	Machado (D)	Y	Y	Y	Y	Y	Y	Y	*
Alpert (D)	Y	Y	Y	Y	Y	Y	Y	Y	Margett (R)	*	N	N	N	N	N	N	N
Ashburn (R)	*	N	*	N	N	N	N	N	McClintock (R)	N	N	N	N	*	N	N	N
Battin (R)	*	*	N	N	N	N	N	N	McPherson (R)	*	N	N	N	N	Y	*	N
Bowen (D)	Y	Y	Y	Y	Y	Y	Y	Y	Morrow (R)	N	N	N	N	N	N	N	N
Brulte (R)	*	N	N	N	N	N	N	N	Murray (D)	Y	Y	Y	Y	*	Y	Y	Y
Burton (D)	Y	Y	Y	Y	Y	N	Y	Y	Oller (R)	N	N	N	N	*	N	N	N
Cedillo (D)	Y	Y	Y	Y	Y	Y	Y	Y	Ortiz (D)	Y	*	Y	Y	*	Y	Y	Y
Chesbro (D)	Y	Y	Y	Y	Y	Y	Y	Y	Perata (D)	Y	Y	Y	Y	Y	Y	Y	Y
Denham (R)	*	N	N	N	N	N	N	N	Poochigian (R)	*	N	N	N	N	Y	N	N
Ducheny (D)	Y	Y	Y	Y	Y	Y	Y	Y	Romero (D)	Y	*	Y	Y	Y	*	Y	Y
Dunn (D)	Y	Y	Y	*	Y	*	Y	Y	Scott (D)	Y	Y	Y	Y	Y	Y	Y	Y
Escutia (D)	Y	*	Y	Y	Y	*	Y	Y	Sher (D)	*	Y	Y	Y	Y	Y	Y	*
Figueroa (D)	Y	Y	Y	Y	Y	Y	Y	Y	Soto (D)	Y	Y	Y	Y	Y	Y	Y	Y
Florez (D)	*	Y	Y	Y	Y	Y	Y	Y	Speier (D)	Y	*	Y	Y	Y	Y	Y	Y
Hollingsworth (R)	N	N	N	N	N	N	N	N	Torlakson (D)	Y	Y	Y	Y	Y	Y	Y	Y
Johnson (R)	N	*	N	N	N	N	N	N	Vasconcellos (D)	Y	Y	Y	*	Y	Y	Y	Y
Karnette (D)	Y	Y	Y	Y	Y	Y	Y	*	Vincent (D)	Y	Y	Y	Y	Y	Y	Y	Y

VOTER RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-July. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes N - No
*** - Absent or not voting**

A 2/3 vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (2/3 = 54 votes)

Senate: 21 votes required for passage of bills needing a simple vote majority. (2/3 = 27 votes) the same market area. Passed 23-13.

SB 157 (Bowen) Internet sales tax: Enables California to join the Streamlined Sales Tax Project, a multi-state body seeking to simplify sales tax collection systems nationally. This is the first step in adopting an Internet sales tax. Passed 25-13.

SB 582 (Speier) Ephedra ban: Prohibits the sale and distribution of dietary supplement products containing ephedrine group alkaloids. Passed 24-14.

SB 677 (Ortiz) Soda ban: Prohibits the sale of soda pop at all California public schools by Jan. 1, 2006. Passed 22-15.

Assembly

AB 30 (Richman) Health care: Provides health insurance coverage to low-income Californians by seeking federal waivers in the Health Family Program. Passed 73-0.

AB 45 (Simitian) Cellular phones: Prohibits use of wireless telephones while driving motor vehicles unless it is a hands-free device or it is being used for an emergency. Passed 49-27.

AB 302 (Chan) Flame retardant: Phases out, by January 2008, the manufacture, processing or commercial distribution of two flame retardants (penta and octa polybrominated diphenyl ether) that are believed to be cancerous. Passed 47-29.

AB 458 (Chu) Foster children: Bans harassment of foster children based on a series of factors, including race and sexual orientation. Requires foster parents to be trained on the rights of foster children. Passed 46-31.

AB 745 (Goldberg) Administrative disclosure: Requires local public school administrations to report in public meetings all compensation received by top-level administrators. Passed 53-22.

AB 846 (Vargas) Secondhand smoke: Increases, from 5 feet to 20 feet, the distance a smoker must stand while smoking a cigarette near an entrance to a state building. Passed 50-25.

AB 1601 (Frommer) Tax shelters: Raises the fine for the use of certain tax shelters from 25 percent of the value of the transaction to 50 percent. Increases fine on accounting firms that promote shelters from $1,000 to 25 percent of the value of the deal. Passed 47-30.

ASSEMBLY (48D, 32R)	AB 30	AB 45	AB 302	AB 458	AB 745	AB 846	AB 1601		AB 30	AB 45	AB 302	AB 458	AB 745	AB 846	AB 1601
Aghazarian (R)	Y	N	N	N	N	N	N	Leslie (R)	Y	Y	N	N	N	N	N
Bates (R)	Y	N	N	N	N	N	N	Levine (D)	Y	Y	Y	Y	Y	Y	Y
Benoit (R)	Y	N	N	N	N	N	N	Lieber (D)	Y	Y	Y	Y	Y	Y	Y
Berg (D)	Y	Y	Y	Y	Y	*	Y	Liu (D)	*	Y	Y	Y	Y	Y	Y
Bermudez (D)	Y	Y	Y	Y	Y	Y	Y	Longville (D)	Y	Y	Y	Y	Y	Y	Y
Bogh (R)	Y	N	*	N	Y	N	N	Lowenthal (D)	Y	Y	Y	Y	Y	Y	Y
Calderon (D)	*	*	Y	Y	*	Y	*	Maddox (R)	Y	N	N	N	Y	*	N
Campbell (R)	*	*	*	N	N	Y	*	Maldonado (R)	Y	N	N	N	Y	Y	Y
Canciamilla (D)	Y	*	N	Y	*	N	*	Matthews (D)	Y	Y	Y	*	Y	Y	Y
Chan (D)	Y	Y	Y	*	Y	Y	Y	Maze (R)	Y	N	N	N	N	N	N
Chavez (D)	Y	Y	Y	Y	Y	Y	Y	McCarthy (R)	Y	N	N	N	N	N	N
Chu (D)	Y	Y	Y	Y	Y	Y	Y	Montanez (D)	Y	Y	Y	Y	Y	Y	Y
Cogdill (R)	Y	N	N	N	N	N	N	Mountjoy (R)	Y	N	N	N	N	N	N
Cohn (D)	Y	Y	Y	Y	Y	Y	Y	Mullin (D)	Y	Y	Y	Y	Y	Y	Y
Corbett (D)	Y	Y	Y	Y	Y	Y	Y	Nakanishi (R)	Y	*	N	N	Y	N	N
Correa (D)	Y	Y	Y	Y	Y	Y	Y	Nakano (D)	Y	Y	Y	Y	Y	Y	Y
Cox (R)	Y	N	N	N	N	N	N	Nation (D)	Y	Y	Y	Y	Y	Y	Y
Daucher (R)	Y	N	N	N	N	N	N	Negrete McLeod (D)	Y	Y	Y	Y	Y	Y	Y
Diaz (D)	Y	Y	Y	Y	Y	Y	Y	Nunez (D)	Y	Y	Y	Y	Y	Y	Y
Dutra (D)	Y	Y	Y	Y	Y	Y	Y	Oropeza (D)	Y	Y	Y	Y	Y	Y	Y
Dutton (R)	Y	N	N	N	N	N	N	Pacheco (R)	Y	N	*	N	N	*	N
Dymally (D)	Y	Y	Y	Y	Y	Y	Y	Parra (D)	Y	Y	Y	Y	Y	Y	Y
Firebaugh (D)	Y	Y	Y	Y	Y	Y	Y	Pavley (D)	Y	Y	Y	Y	*	Y	Y
Frommer (D)	Y	Y	Y	Y	Y	Y	Y	Plescia (R)	Y	N	N	*	N	N	N
Garcia (R)	*	N	N	N	Y	*	N	Reyes (D)	Y	Y	Y	Y	Y	Y	Y
Goldberg (D)	Y	Y	Y	Y	Y	Y	Y	Richman (R)	Y	Y	N	N	Y	N	N
Hancock (D)	*	Y	Y	Y	Y	Y	Y	Ridley-Thomas (D)	Y	Y	Y	Y	Y	Y	Y
Harman (R)	Y	N	N	N	N	N	N	Runner (R)	Y	N	N	N	N	N	N
Haynes (R)	Y	N	N	N	Y	N	N	Salinas (D)	Y	Y	Y	Y	Y	Y	Y
Horton (D)	Y	Y	Y	Y	Y	Y	Y	Samuelian (R)	Y	N	N	N	N	N	N
Horton (R)	Y	N	*	N	*	Y	N	Simitian (D)	Y	Y	Y	Y	Y	Y	Y
Houston (R)	*	N	N	N	*	Y	N	Spitzer (R)	Y	N	N	N	Y	*	N
Jackson (D)	Y	Y	Y	Y	Y	Y	Y	Steinberg (D)	Y	Y	Y	Y	Y	Y	Y
Keene (R)	Y	N	N	N	N	N	N	Strickland (R)	*	N	N	N	N	N	N
Kehoe (D)	Y	Y	Y	Y	Y	Y	Y	Vargas (D)	Y	Y	Y	Y	Y	Y	Y
Koretz (D)	Y	Y	Y	Y	Y	Y	Y	Wesson (D)	Y	Y	Y	Y	Y	Y	Y
La Malfa (R)	Y	N	N	N	N	N	N	Wiggins (D)	Y	Y	Y	Y	Y	Y	Y
La Suer (R)	Y	N	N	N	N	N	N	Wolk (D)	Y	Y	Y	Y	Y	Y	Y
Laird (D)	Y	Y	Y	Y	Y	Y	Y	Wyland (R)	Y	N	N	N	N	N	N
Leno (D)	Y	Y	Y	Y	Y	Y	Y	Yee (D)	Y	Y	Y	Y	Y	Y	Y

CALIFORNIA TAKE ON UNCLE SAM

It is hardly a conflict with the heft and emotion of racial segregation, but the use of so-called "medical marijuana" has put the federal government and the states on a similar collision course. California, thanks to voter passage of Proposition 215, considers medical marijuana use legal. The federal government does not. And aggressive enforcement of federal law by the Bush administration, especially in California, has created a new confrontation over the division of authority between Uncle Sam and the 50 states.

By Rich Ehisen

Ever since the United States declared independence from England, Uncle Sam and his 50 wards — otherwise known as the federal government and the states — have been squabbling over how to divide the exercise of authority. The boundary between the two shifts constantly depending on the inclination of the president and his administration, the philosophical bent of the U.S. Supreme Court and the various demands and needs of the states.

In the past, the confrontations have covered some of the most profound issues in American history, including slavery, segregation and creation of a national currency. But now that boundary is being tested by something of an odd subject — an illegal substance known as marijuana. A few states — the most notable, California — say marijuana use ought to be legal if prescribed by a doctor for critically ill patients, and they have sanctioned growing the plant for medicinal purposes. Uncle Sam, on the other hand, says marijuana is illegal, period, and has used the federal police power to shut down marijuana operations considered legal by states.

The trend that put the states on a collision course with the federal government has been gaining steam in recent years, prompted in large measure by the passage of various initiatives. California authorized it in November1996 with passage of Proposition 215, which gave people with serious medical conditions the legal ability to use marijuana as a means of alleviating the physical pain of their illness. The federal ground shifted in 2001, however, when a more conservative Bush administration replaced the Clinton administration and began to cast a gimlet eye on medicinal

Smoking marijuana in front of the California flag in San Francisco Patients Cooperative, a medical cannabis club that the DEA is determined to close down. Photo by Justin Sullivan, Getty Images, 7/25/02.

marijuana.

Proposition 215 notwithstanding, the U.S. Drug Enforcement Administration (DEA) has arrested and prosecuted people it says violated federal laws prohibiting marijuana cultivation, sale and use. So, which laws take precedence — state laws that authorized the activity or federal laws that ban it?

Two recent high-profile arrests in California have focused attention on the issue and spawned both local and national reactions that could have a dramatic effect on whether the DEA will continue to have that same power in the future.

The first case revolves around the arrest and conviction of Ed Rosenthal of Oakland, who federal prosecutors say was warehousing pot for sale. During the January 2003 trial, U.S. District Judge Charles Breyer refused to allow jurors to hear that the 58-year-old Rosenthal, a self-proclaimed "pot guru" who once wrote an advice column for *High Times* magazine, was stockpiling the plant for medical use and was doing so legally according to California law.

Rosenthal's conviction sparked an angry reaction from one juror, who wrote in a *San Jose Mercury News* editorial that she felt she had "helped send a man to prison who doesn't belong there." It also inspired more than two dozen members of Congress in April to introduce HR 1717, dubbed the "Truth in Trials Act," which would allow individuals

DENYING
TRUTH
IS NOT
JUSTICE

Ed Rosenthal gives a heated speech to the the media in front of San Francisco's Federal Courthouse, after the judge showed unexpected leniency and sentenced him to only one day in jail. Tim Wimborne, Reuters, 4/6/03.

accused of violating federal marijuana laws to introduce evidence in federal court that shows they were following state medicinal-use laws.

"This is an issue of states' rights, plain and simple," said California Representative Sam Farr (D-Carmel), lead sponsor of the bill. "The voters of California have passed a medical marijuana initiative, but the federal government has exhibited little respect for our state's laws. U.S. Attorney General John Ashcroft has insisted that his authority is of greater consequence than California's Proposition 215, a 1996 initiative passed by five million voters that would allow doctors to recommend medical marijuana to patients in pain."

Barely two weeks after the introduction of HR 1717, the city and county of Santa Cruz filed suit in federal court against Ashcroft and the DEA in response to an administration raid at a nearby farm. The farm is the home of Valerie Corral, who co-founded WAMM, the Wo/Men's Alliance for Medical Marijuana and who also served on the state advisory board that drafted Proposition 215. The suit claims seven defendants have had their medication "illegally reduced" since the raid, causing "insurmountable" pain and even death among some WAMM members.

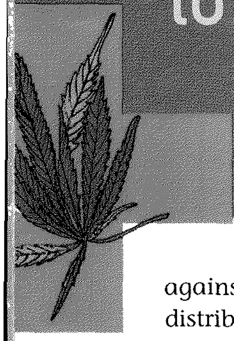
"We cannot just stand by and watch the harassment of people who are sick and dying," said attorney Judy Appel of the Drug Policy Alliance, who represents the plaintiffs. "We hope the court will see the injustice and inhumanity of the federal government's actions, and restore these patients' rights to treat their severe pain with the medicine that works best for them."

The Alliance is a New York-based drug policy group with offices in California, Washington, D.C., New Mexico and New Jersey. A motion to dismiss the suit is scheduled to be heard in a San Jose federal court on July 7.

The raid also prompted state Attorney General Bill Lockyer to get into the act. In September 2002, Lockyer, who lost his mother and younger sister to cancer, fired off an angry letter to Ashcroft. Lockyer acknowledged the need to bring state and federal law together, but he also complained that "surely an administration with a proper sense of balance, proportion and respect for states' rights could and should reconsider the DEA's policy and redirect its resources." Lockyer also insinuated that the hard line taken by the Bush administration was to blame, noting that the raids began in earnest only in 2001, five years after voters approved Proposition 215.

Lockyer's letter also questioned the fiscal prudence of the DEA targeting small marijuana cooperatives. "A medicinal marijuana provider such as the Santa Cruz collective represents little danger to the public," Lockyer wrote, "and it is certainly not a concern which would warrant diverting scarce federal resources away from the fight against domestic methamphetamine production, heroine distribution or international terrorism, to cite just a few far more worthy priorities."

> "A medicinal marijuana provider such as the Santa Cruz collective represents little danger to the public," — Attorney General Bill Lockyer



Outgoing DEA Director Asa Hutchinson fired back, telling Lockyer that the benefits of medicinal marijuana were not scientifically proven and that pot was still a federally banned drug. He also noted that Proposition 215 did not change federal law, saying that the government had never in the past "approved medicine by popular referendum" and that it "would be ill-advised to start now."

Hence, the dilemma.

It is that process of making law by popular vote that irks federal drug officials. The DEA says vaguely worded referendums leave cities and counties to establish their own marijuana standards, which usually leads to a large variance in guidelines and laws in each city and county jurisdiction. In a formal position paper on California's medical marijuana situation, the agency cites the great difficulty in telling the difference between medical and illegal marijuana operations, and the large number of pot traffickers that try to invoke Proposition 215, even when there is no evidence of medical use. There also is concern that no one in California knows exactly how many people use marijuana for medical purposes or how many facilities provide it.

"Obviously, right now, nobody is in a hurry to come forward out of fear of federal prosecution," explained Lockyer.

Marijuana was first deemed an illegal narcotic in the U.S. in 1937. In 1970, spurred by widespread recreational pot use, Congress passed the Controlled Substances Act, which placed marijuana and its primary active ingredient, tetrahydrocannabinol (THC), into a grouping with LSD and heroin as drugs with no accepted medical use. That changed slightly in 1975 when a successful suit brought by a glaucoma sufferer gave birth to the federal Investigational New Drug (IND) program, which allowed for certain people to receive marijuana from the government when deemed "medically necessary." President George Bush rescinded the program in 1992, and President Bill Clinton upheld Bush's decision in 1999.

STOP
Arresting
Patients
FOR MEDICAL
MARIJUANA

Protesters Doug McVay with Common Sense for Drug Policy and Charles Thomas of Unitarians for Drug Policy Reform handcuff themselves to the White House fence protesting Byron Epis' 10-year federal sentencing for growing medicial marijuana. Hyungwon Kang, Reuters, 9/23/02

But since 1996, voters in eight states — Alaska, Arizona, California, Colorado, Maine, Nevada, Oregon and Washington — have taken the law into their own hands by approving ballot propositions that allow for medicinal marijuana use. In 2000, the Hawaii Legislature approved such use on its own, which then-Governor Ben Cayetano signed into law. This made Hawaii the first state where

(Above) DEA director Asa Hutchinson. Photo: Reuters. (Right) Valerie Corral, whose Santa Cruz farm was raided by the DEA.

Federal officials express skepticism that marijuana has medicinal value.

medicinal marijuana use laws originated with elected officials rather than a voter referendum.

More recently, lawmakers in New York, Connecticut and Maryland introduced similar legislation. Connecticut's died on a narrow vote in the full House, while New York's recently cleared its first committee. Despite heavy lobbying from the Bush administration, Maryland's Republican Governor Bob Ehrlich signed legislation in May 2003 making his state the 10th to allow medicinal use of marijuana.

To bolster their case that federal law ought to apply in this instance, federal officials express skepticism that marijuana has medicinal value. During visits to Maryland to urge Ehrlich to veto that state's marijuana legislation, White House drug czar John Walters called medical marijuana legislation "cruel" and a "hoax." Advocates, on the other hand, point to a 1999 report issued by the National Academy of Sciences, Institute of Medicine, which stated that "scientific data indicate the potential therapeutic value of cannabinoid drugs, primarily THC, for pain relief, control of nausea and vomiting, and appetite stimulation" as proof of pot's medicinal value. The study also noted that "smoked marijuana is a crude THC delivery system that also delivers harmful substances into the system."

Concern over the potential for drug dealers to hide behind the veil of what some see as fake medicine — and a desire to avoid situations like those in California — have prompted some lawmakers to clarify current state statutes. The Oregon House, for example, approved HB 2939, which tightens restrictions for the state's 4,500 registered medical marijuana users. It requires patients to inform the state about their growing sites, limits the number of allowable plants and sets standards by which the state can revoke the grower's registration.

California isn't standing pat either. Senate Bill 420, sponsored by Senator John Vasconcellos (D-San Jose), was approved in June by the Senate and sent to the Assembly. It establishes a voluntary and confidential registry identification card system for patients with recommendation from their physicians to use marijuana and their primary caregivers. The card immunizes the cardholder from arrest and prosecution for possession, transportation and cultivation of marijuana. That is good news even to marijuana advocates, many of whom agree with federal claims that Proposition 215 is too ambiguous.

"Virtually all of the DEA raids on medical marijuana providers have come in California," says Bruce Mirken, Director of Communications for the Marijuana Policy Project (MPP), the Washington, D.C.-based medical marijuana advocacy group that worked with Farr to craft the Truth in Trials Act. MPP also lobbied Maryland officials extensively for four years prior to Ehrlich's signing. "We believe those federal raids are a result of Proposition 215 being more broadly worded than referendums in other states."

Vasconcellos' bill would certainly ease that burden, and the lawmaker makes no secret that the DEA's actions in both the Rosenthal and WAMM cases inspired the bill.

"This recent federal action is reason for California to step up its effort to enforce our laws," said Vasconcellos. "We are duty-bound to honor the will of Californians who passed Proposition 215 in 1996, which allows seriously ill patients to use marijuana to treat illnesses. Due to the vague guidelines, patients and physicians have been subject to needless arrest and prosecution. A statewide registry system will afford patients standardized and instant proof that they are legal users by state law."

Lockyer has not given up his fight, either. The attorney general, who helped to write SB 420, recently sent another

Think all they do is get cozy on the bus?

Think again. Over half of all teens report having sex before they graduate from high school.

You may be surprised to learn that many teens don't consider oral or anal sex "having sex." They are sadly misinformed, assuming that they are doing the "right thing" by preventing pregnancy – and protecting their virginity.

While we all applaud the drop in teen birth rates, the increase in sexually transmitted infections indicates that sexually active teens need accurate information about how to protect their health.

Now is a good time to remind lawmakers and parents of the importance of providing accurate, comprehensive sexuality education in our schools.

To find out what you can do, visit our web site at www.letsgetreal.org
Teen pregnancy is also an adult problem. Let's solve it together.

GET REAL
ABOUT TEEN PREGNANCY

The "Get Real About Teen Pregnancy" public education campaign is funded by a grant to Ogilvy Public Relations Worldwide from The California Wellness Foundation.

letter, this time to Judge Breyer. Lockyer requested that Breyer take Proposition 215 into account in deciding Rosenthal's sentence, asking the judge specifically to "impose the minimum sentence allowed under federal guidelines." Federal statutes would have allowed Breyer to impose a sentence of up to 60 years in jail. Lockyer's efforts were rewarded in June when Breyer, whose brother Stephen sits on the U.S. Supreme Court, sentenced Rosenthal to one day on each count, with the sentence to run concurrently, making Rosenthal serve only a single day. Lockyer was pleased by the news.

"This verdict clearly shows that Judge Breyer looked at this case on all of its merits," Lockyer said after the announcement. He denied feeling any personal vindication, saying instead that he only is happy for Rosenthal. Lockyer did, however, admonish the federal prosecution, which had sought to have Rosenthal serve a 78-month sentence.

"It is clear to me that the federal government was trying to make an example out of Ed Rosenthal," he added.

Despite opposition from the DEA and others, polls in several states show that public opinion strongly favors the medical use of marijuana. A March 2002 poll by the Lucas organization showed 73 percent of Connecticut voters approve of the issue while a *Time* magazine poll from November 2002 showed support from 80 percent of the respondents in a national survey. A Pew Research Center poll from March 2001 showed 73 percent of U.S. respondents support allowing doctors "to prescribe marijuana."

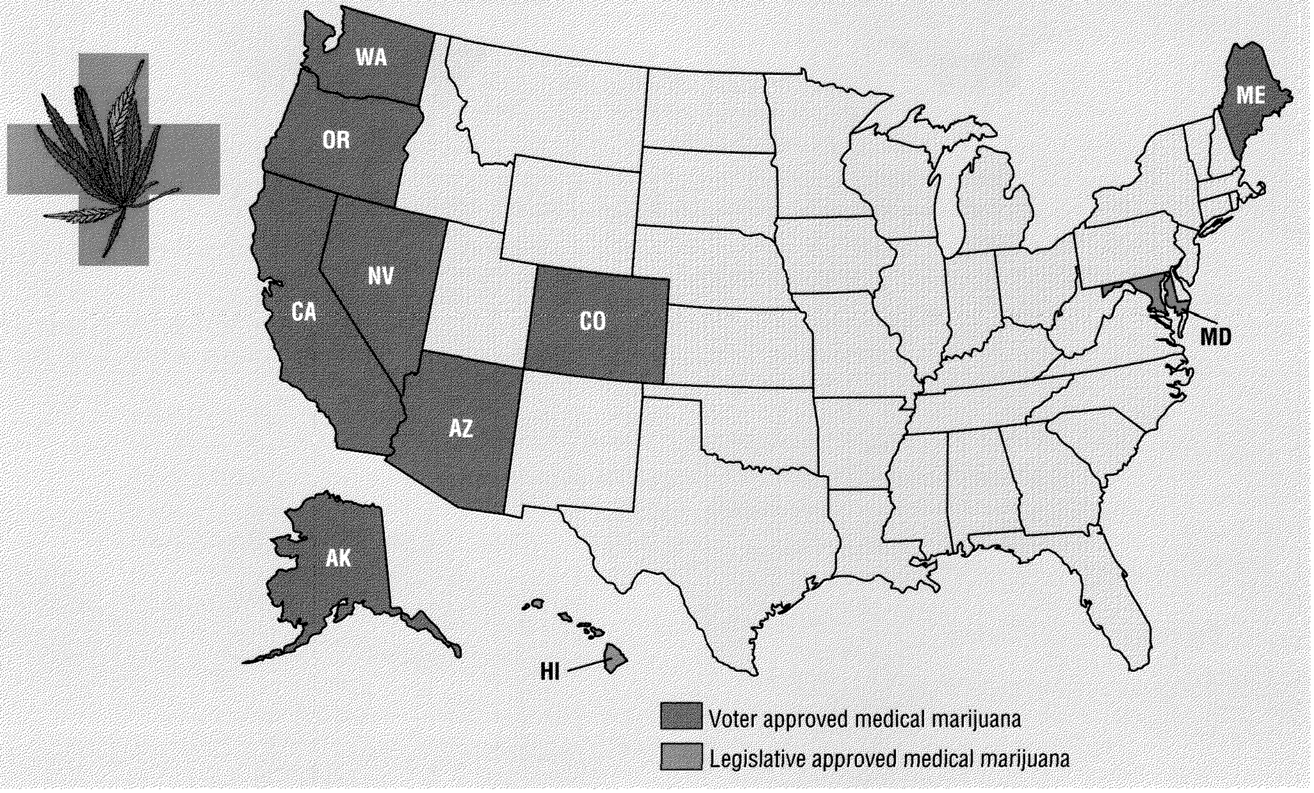
What is less clear is how states are going to convince the Bush administration that they should make their own rules. And the federal government has financial muscle to flex in this bout. In June, for instance, two Republican congressmen, Mark Souder of Indiana and Tom Davis of Virginia, introduced legislation to give the drug czar the authority to shift up to 5 percent of the $230 million White House Office of Drug Policy budget away from states that allow medical marijuana use. That money would instead go to federal authorities.

Stanford law professor Robert Weisberg summed up the debate during a recent television appearance on the PBS news show "California Connected" by saying that he doubted the federal government was really concerned with medical marijuana. "But what they are bothered by," he said, "is the 'in your face' attitude of California saying, 'We defy federal law.'"

Rich Ehisen is a California Journal *associate editor. Comments may be sent to* **comments@Californiajournal.com.**

Marijuana states

Ten states across the nation have laws that allow for residents to use marijuana for medical purposes. Eight of those have come by voter referendum, with the other two coming through legislative vote.


WA
OR
CA
NV
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AK
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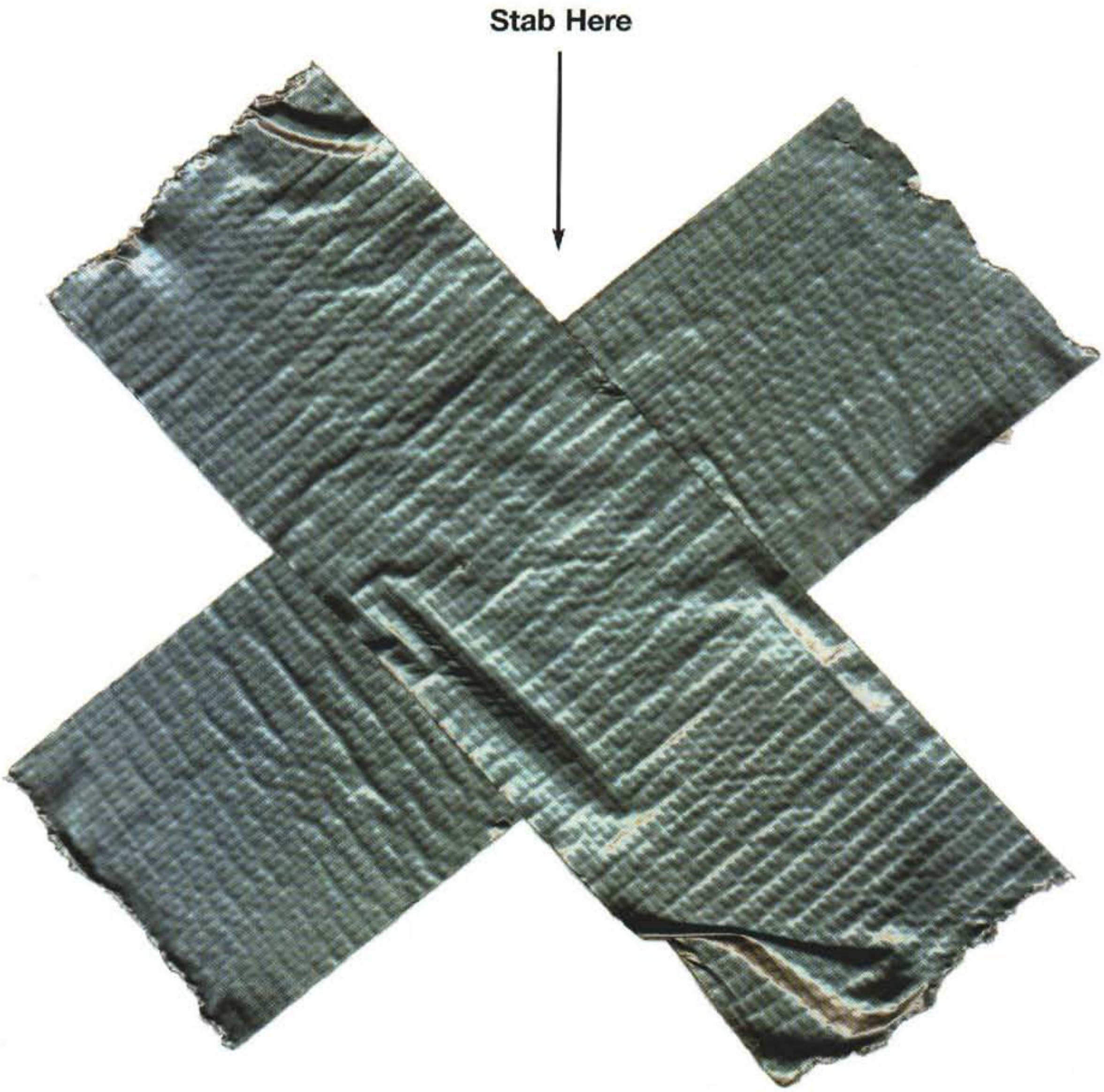
MD
▨ Voter approved medical marijuana
▨ Legislative approved medical marijuana



Correctional peace officers working on San Quentin's "Death Row" are wearing stab-proof vests held together with duct tape — symbolic of what's happening in prisons and youth correctional facilities throughout California.

California prisons already have the second-worst inmate-to-officer ratio in the nation and one of the highest assault rates against officers. Because of budget cuts, both will be getting worse.

Prisons and youth correctional facilities are being closed. Officer training has been cut. Safety is being compromised.

Life on "the toughest beat" is getting tougher.

California Correctional Peace Officers Association

Take a Look at the NEW PCL

The California Association of Local Conservation Corps is a long-standing member of PCL. Here, a local corps member participates in an urban tree-planting program.

The Planning & Conservation League (PCL) was founded in 1965. In four decades, PCL has become a unique environmental advocacy organization.

In addition to thousands of individual members throughout California, PCL also has more than 100 organizational members. Ranging from Californians Against Waste and the Mountain Lion Foundation, to Heal the Bay and the Audubon Society, PCL provides a voice for strong environmental protection and public health.

The California Association of Local Conservation Corps is one of PCL's great member organizations. The Local Corps employ thousands of young people throughout California, providing them with meaningful work that enhances their local communities and environment.

In urban areas from Oakland to San Diego, PCL and the Local Corps are working every day to improve local public health. PCL and the California Association of Local Conservation Corps, a proud and positive partnership.

The NEW PCL for the NEW California

www.pcl.org 916.444.8726

THE PLANNING & CONSERVATION LEAGUE